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WASHINGTON, DC

WHEN: September 9, 1997 at 9:00 am.
Office of the Federal Register
WHERE: Conference Room
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Washington, DC
(3 blocks north of Union Station Metro)
RESERVATIONS: 202–523–4538

BOSTON, MA

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Reader Aids
Additional information, including a list of telephone numbers, finding aids, reminders, and a list of Public Laws appears in the Reader Aids section at the end of this issue.

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CFR PARTS AFFECTED IN THIS ISSUE

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

Rules and Regulations

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

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DEPARTMENT OF AGRICULTURE

Rural Telephone Bank

7 CFR Part 1610

Rural Utilities Service

7 CFR Parts 1735, 1737, 1739, and 1746

RIN 0572–AB32

Rural Telephone Bank and Telecommunications Program Loan Policies, Types of Loans, Loan Requirements

AGENCY: Rural Utilities Service and Rural Telephone Bank, USDA.

ACTION: Final rule.

SUMMARY: The Rural Utilities Service (RUS) is amending its regulations to incorporate changes to the telecommunications loan program required by the 1996 Farm Bill and the regulatory reinvention initiative of the Vice President's National Performance Review. RUS has reviewed the regulations concerning the telecommunications program and the Rural Telephone Bank loan policies and requirements to determine whether they are necessary, impose the least possible burden consistent with safety and soundness, and are written in a clear, straightforward manner. As a result of this review, the RUS telecommunications program is updating and streamlining its regulations and policy statements. In addition, this regulation will eliminate some policies and procedures that have become obsolete.

EFFECTIVE DATE: This regulation is effective on October 6, 1997.

FOR FURTHER INFORMATION CONTACT: Jonathan Claffey, Acting Deputy Director, Advanced Telecommunications Services Staff, Rural Utilities Service, 1400 Independence Ave., SW., STOP 1701, Room 2919, South Building, Washington, DC 20250–1701. Telephone: (202) 720–0530. Facsimile: (202) 720–2734.

SUPPLEMENTARY INFORMATION:

Classification

This final rule has been determined to be not significant, and, therefore has not been reviewed by the Office of Management and Budget under Executive Order 12866.

Civil Justice Reform

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

Regulatory Flexibility Act Certification

Pursuant to § 605(b) of the Regulatory Flexibility Act, 5 U.S.C. 605(b), RUS certifies that this final rule will not have a significant economic impact on a substantial number of small entities. If a rule has a significant economic impact on a substantial number of small entities, the Regulatory Flexibility Act requires agencies to analyze regulatory options that would minimize any significant impact of a rule on small entities. The application for loans under the RUS telecommunications program are discretionary, regulatory requirements will, therefore, apply only to those entities which choose to apply for funding.

This action is being taken as part of the National Performance Review program to eliminate excess regulations and to improve the quality of those that remain in effect. This final rule reduces the Times Interest Earned Ratio requirement for all borrowers, simplifies current cash distribution and investment requirements for all borrowers, and standardizes determination of loan maturity. This final rule is consistent with RUS's continuing effort to devolve, in particular, cash management authority to the borrowers. It is also consistent with the goals of the regulatory reinvention initiative of the National Performance Review.

Information Collection and Recordkeeping Requirements

The recordkeeping and reporting burden contained in this rule under OMB control number 0572–0079 is not fully effective until approved by the Office of Management and Budget (OMB).

Send questions or comments regarding this burden or any other aspect of these collections of information, including suggestions for reducing the burden, to F. Lamont Heppe, Jr., Director, Program Support and Regulatory Analysis, Rural Utilities Service, STOP 1522, Washington, DC 20250–1522.

National Environmental Policy Act Certification

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

Program Affected

The program described by this final rule is listed in the Catalog of Federal Domestic Assistance Programs under 10.851, Rural Telecommunications Loans and Loan Guarantees, and 10.582, Rural Telephone Bank Loans. This catalog is available on a subscription basis from the Superintendent of Documents, the United States Government Printing Office, Washington, DC 20402.

Intergovernmental Review

This program is excluded from the scope of Executive Order 12372, Intergovernmental Consultation. A Notice of Final Rule entitled Department Programs and Activities Excluded from Executive Order 12372 (50 FR 47034) exempts RUS and Rural Telephone Bank loans and loan guarantees to governmental and non-governmental entities from coverage under this Order.

Unfunded Mandate

This rule contains no Federal mandates (under the regulatory provisions of Title II of the Unfunded Mandate Reform Act) for State, local, and tribal governments or the private sector. Thus today's rule is not subject to the requirements of sections 202 and 205 of the Unfunded Mandate Reform Act.

Background

On March 7, 1997, at 62 FR 10483, RUS published a proposed rule to incorporate changes to the telecommunications loan program required by the Federal Agriculture Improvement and Reform Act of 1996 (Pub. L. 104–127) (1996 Farm Bill) and the regulatory reinvention initiative of the Vice President's National Performance Review. The amendments as proposed would reduce regulatory burdens on RUS telecommunications program borrowers and simplify existing procedures and policies.

RUS received 7 comments regarding the proposed rule, which were taken into consideration in preparing the final rule. Overall, respondents generally expressed support for the proposed rule, but made specific comments. A list of the commenters and comment summaries and responses follows:

1. Joint comments submitted by: Eastern Rural Telecom Association; United States Telephone Association; Western Rural Telephone Association; and National Rural Telecom Association, Washington, DC.
2. Organization for the Promotion and Advancement of Small Telecommunications Companies, Washington, DC.
3. National Telephone Cooperative Association, Washington, DC.
4. Associated Communications & Research Services, Oklahoma City, OK.
5. Lackawaxen Telephone Company, Rowland, PA.
6. TDS Telecom, Madison, WI.
7. Kiesling Associates, LLP, West Des Moines, IA.

Sections 1610.6 and 1735.31 Concurrent Bank and RUS Cost-of-Money Loans

Comment Summary: One commenter objected to the proposal to limit the size of cost-of-money and Rural Telephone Bank (Bank) loans to no more than 10 percent of lending authority from appropriations in any fiscal year. The commenter believes no authority exists in the Rural Electrification Act of 1936, as amended (RE Act), for RUS to make loans for less than 100 percent of the borrowers needs. If there is a shortage of cost-of-money and Bank loan funds the solution is to increase loan levels, not ration available credit among borrowers.

Response: The proposed revision to the regulations reflects the government's current fiscal and budgetary constraints. To continue fulfilling RUS's mission of ensuring that rural telecommunications providers have the means to modernize their networks, to fully effect the mandated area coverage provision of the RE Act, and to achieve maximum use of funds available, RUS will limit the loan amount to any single borrower in a fiscal year to, generally, no more than 10 percent of the lending authority from appropriations in any fiscal year.

Section 1610.11 Prepayments

Comment Summary: RUS was asked to clarify how new terms of the loan and remaining economic life will be determined for borrowers requesting refunding notes. One commenter asked if a borrower prepays 100 percent of the amount outstanding whether or not the equipment originally financed is no longer in service, would this be possible under the new provisions without penalty?

Response: The principal balance of the refunding notes would be the unpaid principal balance of the original notes associated with the loan. The term of the refunding notes would match the remaining composite economic life of the facilities financed, as determined by the original feasibility study prepared in connection with that particular loan. All other payment terms, including the rate of interest on the refunding notes, would remain unchanged. Only those Bank borrowers subject to the funded reserve or net plant to secured debt ratio requirements electing to issue refunding notes will not be required to pay a prepayment premium, if such requirement is contained in the original note. Barring this, Bank borrowers with notes containing prepayment premium provisions will still be bound by those provisions if prepaying a loan.

Section 1735.2 Definitions

Comment Summary: One commenter inquired about the definitions of *total assets* and *net worth* and how existing borrowers (e.g., those under an older form of mortgage with RUS) that elect to follow the new allowable distribution calculation under § 1735.46 determine total assets and net worth.

Response: The definitions for *total assets* and *net worth* have been added to § 1735.2. The new allowable distribution calculation under § 1735.46 will be based on the total assets and net worth of the borrower, and not on a consolidated basis.

Section 1735.17 Facilities Financed

Comment Summary: Many commenters objected to RUS adopting the policy that it will finance only buried plant for all loans unless RUS determines that buried plant is not economically feasible. Commenters believe that it is preferable to remain flexible in this uncertain telecommunications environment. Commenters suggested that, if RUS determines that it is necessary to implement this proposal, that RUS define the term *economically feasible,* and, to conform to its intended purpose, refer solely to outside plant and not cover all facilities.

Response: The proposed rule reflects the extensive experience of RUS and consequently does not impose any new requirement on borrowers. To impose this requirement when the costs would be exorbitant would be burdensome to borrowers and counterproductive to achieving the objectives of the RE Act. RUS will only finance those system designs or facilities that can withstand or are designed to minimize damage caused by storms and other natural catastrophes, unless an alternate design or facility is more economically or technically feasible. Economic and technical feasibility will be determined using total long range economic costs and risk analysis.

Section 1735.43 Payments on Loans

Comment Summary: Several commenters expressed concern that the proposal to tie the amortization period for loans to the depreciated life of facilities financed may not be in the best interest of RUS borrowers. Commenters believe that there will be many circumstances in which borrowers will require loan terms that extend 3 years beyond the expected composite economic life of the facilities financed. In those circumstances, current RUS regulations are substantially adequate to protect the interest of the government, and that the proposal to require the borrower provide additional security (i.e., funded reserve) for a loan that exceeds the expected composite economic life of the facilities by more than 3 years is unwarranted and unnecessary. One commenter felt that the additional security in the form of a funded reserve should be replaced by a requirement to maintain a net plant to secured debt ratio of 1.2. Borrowers could certify they have maintained a 1.2 net plant ratio if they opted for loan amortization periods different than the standard; thus, simplifying the process and reducing paperwork and costs to the borrower and RUS.

Response: The final rule establishes that the repayment period will be based on the expected composite economic life of the facilities financed. Collateral for RUS loans rests on the value of the facilities financed. RUS relies on the revenues produced by the facilities financed for repayment of the loans. Therefore, RUS will continue to require borrowers electing maturities of more than the depreciated life plus 3 years maintain a funded reserve to ensure

adequate security over the life of the loan.

The RE Act sets no minimum length for amortization of loans, presumably to allow RUS to determine a prudent amortization period. There are several benefits to tying the amortization period to expected composite economic life of facilities financed. First, earnings of the company are based on, among other things, the economic life of the facilities (depreciation). Second, total interest expense is reduced. Finally, the government's loan security is enhanced by the loan life approximating plant life; the economic life of the mortgaged assets declines at approximately the same pace as the principal balance of the loan.

It is general practice for lenders making loans for capital assets to set the amortization period of the loan equal to or less than the expected economic life of the items financed. Consequently, RUS is not seeking to establish a unique requirement in this area. This option is intended to allow the borrower flexibility of extending loan maturity while allowing the government to maintain adequate security for its loan. This requirement is also consistent with OMB Circular A–129, Managing Federal Credit Programs, which in part states that the maturity offered should be shorter than the estimated economic life of the asset financed. With telecommunications borrowers facing increasing competition and the potential for regulatory changes, adequate security is of critical concern to RUS.

Section 1735.46 Loan Security Documents

Comment Summary: All commenters overwhelmingly supported the proposed simplification of RUS's policy for determining a borrower's allowable level of distributions and investments. Several commenters requested RUS clarify some minor technical aspects of the proposed formula. One commenter, however, in principle, believes that RUS borrowers should be able to dividend 100 percent of net earnings subsequent to loan approval. This would be more in line with private lenders without adversely affecting loan security.

Response: RUS's new policy regarding investments and distributions of assets by borrowers will be in all mortgages for loans approved after the effective date of this final rule. Borrowers that have not received a loan after the effective date of the final rule may request the Administrator to apply the new requirements to them; however, once the decision is made to switch to the new requirements, borrowers may not revert back to the old method. This new policy is not an alternative method for borrowers to choose between from year to year.

Further, unlike the former method for determining allowable distributions whereby adjustments were made to net worth and total assets based upon, among other things, a borrower's investments in affiliates, no such adjustments will be factored into the new method for determining allowable distributions. RUS also modified the definition of *cash distributions* to include *dividend and capital credit distributions.*

A technical correction not published in the proposed rule will be made in the final rule to § 1735.32, Guaranteed loans. Presently, to qualify for a guaranteed loan, among other things, a borrower must have a projected TIER (including the proposed loan or loans) of at least 1.5 as determined by the feasibility study prepared in connection with the loan. To be consistent with RUS's previously proposed policy to reduce the maximum TIER maintenance requirement to no more than 1.5 for all borrowers receiving any type of loan after the effective date of the final rule, the TIER eligibility requirement for guaranteed loans will be reduced to a minimum of 1.2.

List of Subjects

7 CFR Part 1610

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

7 CFR Part 1735

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

7 CFR Part 1737

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

7 CFR Part 1739

Accounting, Guaranteed program, Loan programs—communications, Reporting and recordkeeping requirements, Rural areas, Telecommunications.

7 CFR Part 1746

Accounting, Guaranteed program, Loan programs—communications, Reporting and Recordkeeping requirements, Rural areas, Telecommunications.

For the reasons set forth in the preamble, and under the authority of 7 U.S.C. 901 *et seq.*, chapters XVI and XVII of Title 7 of the Code of Federal Regulations are amended as follows:

CHAPTER XVI

PART 1610—LOAN POLICIES

1. The authority citation for part 1610 continues to read as follows:

Authority: 7 U.S.C. 941 *et seq.*; Pub. L. 103–354, 108 Stat. 3178 (7 U.S.C. 6941, *et seq.*).

2. In § 1610.6, new paragraph (d) is added to read as follows:

§ 1610.6 Concurrent Bank and RUS cost-of-money loans.

* * * * *

(d) Generally, no more than 10 percent of lending authority from appropriations in any fiscal year for Bank and RUS cost-of-money loans may be loaned to a single borrower. The Bank will publish by notice in the **Federal Register** the dollar limit that may be loaned to a single borrower in that particular fiscal year based on approved Bank and RUS lending authority.

3. In § 1610.11, a new paragraph (c) is added to read as follows:

§ 1610.11 Prepayments.

* * * * *

(c) Borrowers that qualify to issue a refunding note or notes in accordance with 7 CFR 1735.43, Payments on loans, shall not be required to pay a prepayment premium on all payments made in accordance with the new payment schedule.

CHAPTER XVII

PART 1735—GENERAL POLICIES, TYPES OF LOANS, LOAN REQUIREMENTS—TELECOMMUNICATIONS PROGRAM

1. The part heading for part 1735 is revised as set forth above.

1a. The authority citation for part 1735 is revised to read as follows:

Authority: 7 U.S.C. 901 *et seq.*, 1921 *et seq.*; Pub. L. 103–354, 108 Stat. 3178 (7 U.S.C. 6941 *et seq.*).

2. In § 1735.2, the definition of *Construction fund* is amended by removing the reference ''See 7 CFR part 1758.'', the definitions for *Adjusted assets* and *Adjusted net worth* are removed, and new definitions *Cash distribution*, *Net worth*, and *Total assets* are added in alphabetical order to read as follows:

§ 1735.2 Definitions.

* * * * *

Cash distribution means investments, guarantees, extensions of credit,

advances, loans, non-affiliated company joint ventures, affiliated company investments, and dividend and capital credit distributions. Not included in this definition are qualified investments (see 7 CFR part 1744, subpart D).

* * * * *

Net worth means the sum of the balances of the following accounts of the borrower:

Account names	Number
(1) Capital stock	4510
(2) Additional paid-in capital	4520
(3) Treasury stock	4530
(4) Other capital	4540
(5) Retained earnings	4550

Note: For nonprofit organizations, owners' equity is shown in subaccounts of 4540 and 4550. All references regarding account numbers are to the Uniform System of Accounts (47 CFR part 32).

* * * * *

Total assets means the sum of the balances of the following accounts of the borrower:

Account names	Number
(1) Current assets	1100s through 1300s.
(2) Noncurrent Assets	1400s through 1500s.
(3) Total telecommunications plant.	2001 through 2007.
(4) Less: Accumulated depreciation.	3100 through 3300s.
(5) Less: Accumulated amortization.	3400 through 3600s.

Note: All references regarding account numbers are to the Uniform System of Accounts (47 CFR part 32).

3. In § 1735.3, the first sentence is revised to read as follows:

§ 1735.3 Availability of forms.

Single copies of RUS forms and publications cited in this part are available from Program Support Regulatory Analysis, Rural Utilities Service, STOP 1522, 1400 Independence Ave., SW., Washington, DC 20250–1522.

* * *

4. In § 1735.17, paragraph (c) is revised to read as follows:

§ 1735.17 Facilities financed.

* * * * *

(c) RUS will not make any type of loan to finance the following items:

(1) Station apparatus (including PBX and key systems) not owned by the borrower and any associated inside wiring;

(2) Certain duplicative facilities, see § 1735.12;

(3) Facilities to serve subscribers outside the local exchange service area of the borrower unless those facilities are necessary to furnishing or improving telecommunications service within the borrower's service areas;

(4) Facilities to provide service other than 1-party; and

(5) System designs or facilities to provide service that cannot withstand or are not designed to minimize damage caused by storms and other natural catastrophes, including, but not limited to hurricanes, floods, tornadoes, mudslides, lightning, windstorms, hail, fire, and smoke, unless an alternate design or facility for modern telecommunications is more economically or technically feasible. Economic and technical feasibility will be determined using total long range economic costs and risk analysis.

* * * * *

5. In § 1735.22, paragraph (g) is redesignated as new paragraph (i), paragraph (f) is revised, and new paragraphs (g) and (h) are added to read as follows:

§ 1735.22 Loan security.

* * * * *

(f) For purposes of determining compliance with TIER requirements, unless a borrower whose existing mortgage contains TIER maintenance requirements notifies RUS in writing differently, RUS will apply the requirements described in paragraph (g) of this section to the borrower regardless of the provisions of the borrower's existing mortgage.

(g) For loans approved after October 6, 1997 loan contracts and mortgages covering hardship loans, RUS cost-of-money loans, RTB loans, and guaranteed loans will contain a provision requiring the borrower to maintain a TIER of at least 1.0 during the Forecast Period. At the end of the Forecast Period, the borrower shall be required to maintain, at a minimum, a TIER at least equal to the projected TIER determined by the feasibility study prepared in connection with the loan, but at least 1.0 and not greater than 1.5.

(h) Nothing in this section shall affect any rights of supplemental lenders under the RUS mortgage, or other creditors of the borrower, to limit a borrower's TIER requirement to a level above that established in paragraph (g) of this section.

* * * * *

6. In § 1735.31, paragraphs (d) and (e) are redesignated as new paragraphs (e) and (f), and new paragraph (d) is added to read as follows:

§ 1735.31 RUS cost-of-money and RTB loans.

* * * * *

(d) Generally, no more than 10 percent of lending authority from appropriations in any fiscal year for RUS cost-of-money and RTB loans may be loaned to a single borrower. RUS will publish by notice in the **Federal Register** the dollar limit that may be loaned to a single borrower in that particular fiscal year based on approved RUS and RTB lending authority.

* * * * *

7. In § 1735.32, the first sentence of paragraph (b), and paragraph (c) are revised to read as follows:

§ 1735.32 Guaranteed loans.

* * * * *

(b) *Requirements.* To qualify for a guaranteed loan, a borrower must have a projected TIER (including the proposed loan or loans) of at least 1.2 as determined by the feasibility study prepared in connection with the loan.

* * *

(c) *Net worth requirements.* RUS generally requires that borrowers seeking guaranteed loans have a net worth in excess of 20 percent of assets. RUS will, however, consider loan guarantees for borrowers with a net worth less than 20 percent.

* * * * *

8. Section 1735.33 is added to read as follows:

§ 1735.33 Variable interest rate loans.

After June 10, 1991, and prior to November 1, 1993, RUS made certain variable rate loans at interest rates less than 5 percent but not less than 2 percent. For those borrowers that received variable rate loans, this section describes the method by which interest rates are adjusted. The interest rate used in determining feasibility is the rate charged to the borrower until the end of the Forecast Period for that loan. At the end of the Forecast Period, the interest rate for the loan may be annually adjusted by the Administrator upward to a rate not greater than 5 percent, or downward to a rate not less than the rate determined in the feasibility study on which the loan was based, based on the borrower's ability to pay debt service and maintain a minimum TIER of 1.0. Downward and upward adjustments will be rounded down to the nearest one-half or whole percent. To make this adjustment, projections set forth in the loan feasibility study will be revised annually by RUS (beginning within four months after the end of the Forecast Period) to reflect updated revenue and expense factors based on the borrower's current operating condition. Any such adjustment will be effective on July 1 of the year in which the adjustment was determined. If the Administrator determines that the borrower is capable of meeting the

minimum TIER requirements of § 1735.22(f) at a loan interest rate of 5 percent on a loan made as described in this section, then the loan interest rate shall be fixed, for the remainder of the loan repayment period, at the standard interest rate of 5 percent.

9. In § 1735.43, the section heading is revised, paragraph (a) is revised, paragraph (b) is redesignated as new paragraph (f), and new paragraphs (b) through (e) are added to read as follows:

§ 1735.43 Payments on loans.

(a) Except as described in this paragraph (a), RUS loans approved after October 6, 1997 must be repaid with interest within a period that, rounded to the nearest whole year, equals the expected composite economic life of the facilities to be financed, as calculated by RUS; expected composite economic life means the depreciated life plus three years. The expected composite economic life shall be based on the depreciation rates for the facilities financed by the loan. In states where the borrower must obtain state regulatory commission approval of depreciation rates, the depreciation rates used shall be the rates currently approved by the state commission or rates for which the borrower has received state commission approval. In cases where a state regulatory commission does not approve depreciation rates, the expected composite economic life shall be based on the most recent median depreciation rates published by RUS for all borrowers (see 7 CFR 1737.70). Borrowers may request a repayment period that is longer or shorter than the expected composite economic life of the facilities financed. If the Administrator determines that a repayment period based on the expected composite economic life of the facilities financed is likely to cause the borrower to experience hardship, the Administrator may agree to approve a period longer than requested. A shorter period may be approved as long as the Administrator determines that the loan remains feasible.

(b) Borrowers with RTB loans approved after October 6, 1997 with a maturity that exceeds the expected composite economic life of the facilities to be financed by the loan by a period of more than three years, release of funds included in the loan shall be conditioned upon the borrower establishing and maintaining, pursuant to a plan approved by RUS, a funded reserve in such an amount that the balance of the reserve plus the value of the facilities less depreciation shall at all times be at least equal to the remaining principal payments on the loan. Funding of the reserve must begin within one year of approval of release of funds and must continue regularly over the expected composite economic life of the facilities financed.

(c) Borrowers that have demonstrated to the satisfaction of the Administrator an inability to maintain the funded reserve or net plant to secured debt ratio requirements, if any, contained in their mortgage, may elect to replace notes with an original maturity that exceeded the composite economic life of the facilities financed with notes bearing a shorter maturity approximating the expected composite economic life of the facilities financed, if this will result in a shorter maturity for the loan. The principal balance of the notes (hereinafter in this section called the ''refunding notes'') issued to refund and substitute for the original notes would be the unpaid principal balance of the original notes. The refunding notes would mature at a date no later than the remaining economic life of the facilities financed by the loan, plus three years, as determined by the original feasibility study prepared in connection with the loan. Interest on the original note must continue to be paid through the closing date. All other payment terms, including the rate of interest on the refunding notes, would remain unchanged. Disposition of funds in the funded reserve will be determined by RUS at the closing date. RUS will notify the borrower in writing of the amendment of loan payment requirements and the terms and conditions thereof.

(d) A borrower qualifying under paragraph (c) of this section shall not be required to pay a prepayment premium on such portion of the payments under its new notes as exceeds the payments required under the notes being replaced.

(e) To apply for refunding notes, borrowers must send to the Area Office the following:

(1) A certified copy of a board resolution requesting an amendment of loan payment requirements and that certain notes be replaced;

(2) If applicable, evidence of approval by the regulatory body with jurisdiction over the telecommunications service provided by the borrower to issue refunding notes; and

(3) Such other documents as may be required by the RUS.

* * * * *

10. In § 1735.46, paragraphs (b), (c) and (d) are revised, paragraphs (e) and (f) are removed, and paragraphs (g) and (h) are redesignated as paragraphs (e) and (f) to read as follows:

§ 1735.46 Loan security documents.

* * * * *

(b) Loan security documents of borrowers with loans approved after October 6, 1997 will provide limits on allowable cash distributions in any calendar year as follows:

(1) No more than 25 percent of the prior calendar year's net earnings or margins if the borrower's net worth is at least 1 percent of its total assets after the distribution is made;

(2) No more than 50 percent of the prior calendar year's net earnings or margins if the borrower's net worth is at least 20 percent of its total assets after the distribution is made;

(3) No more than 75 percent of the prior calendar year's net earnings or margins if the borrower's net worth is at least 30 percent of its total assets after the distribution is made; or

(4) No limit on distributions if the borrower's net worth is at least 40 percent of its total assets after the distribution is made.

(c) Borrowers that have not received a loan after October 6, 1997 may request the Administrator to apply these requirements to them. Borrowers may request in writing that RUS substitute the new requirements described in paragraphs (b)(1) through (b)(4) of this section. Upon request by the borrower, the provisions of the borrower's loan documents restricting cash distributions or investments shall not be enforced to the extent that such provisions are inconsistent with this section.

(d) Rural development investments meeting the criteria set forth in 7 CFR part 1744, subpart D, will not be counted against a borrower's allowable cash distributions in any calendar year (7 U.S.C. 926).

* * * * *

§ 1735.60 [Amended]

11. § 1735.60, paragraph (a) introductory text is amended by removing the reference ''(see 7 CFR part 1758)'' and paragraph (a)(3) is removed.

§ 1735.76 [Amended]

12. § 1735.76, the second ''or'' is removed and the word ''of'' is added in its place.

PART 1737—PRE-LOAN POLICIES AND PROCEDURES COMMON TO GUARANTEED TELECOMMUNICATIONS LOANS

13. The part heading for part 1737 is revised as set forth above.

14. The authority citation for part 1737 is revised to read as follows:

Authority: 7 U.S.C. 901 *et seq.*, 1921 *et seq.*; Pub. L. 103–354, 108 Stat. 3178 (7 U.S.C. 6941 *et. seq.*).

§ 1737.70 [Amended]

15. In § 1737.70, paragraph (d) is removed and reserved.

PART 1739—[REMOVED]

16. Part 1739 is removed.

PART 1746—[REMOVED]

17. Part 1746 is removed.

Dated: August 28, 1997.

Inga Smulkstys,

Acting Under Secretary, Rural Development.

[FR Doc. 97–23580 Filed 9–4–97; 8:45 am]

BILLING CODE 3410–15–P

FEDERAL HOUSING FINANCE BOARD

12 CFR Part 936

[No. 97–56]

RIN 3069–AA35

Technical Amendment to the Community Support Requirement

AGENCY: Federal Housing Finance Board.

ACTION: Final rule.

SUMMARY: The Federal Housing Finance Board (Finance Board) is amending its regulation on the community support requirement to allow every Federal Home Loan Bank (FHLBank) member to provide all of the information necessary to apply to the Finance Board to remove restrictions on access to long-term advances that may adversely affect the member's safety and soundness.

EFFECTIVE DATE: The final rule will become effective October 6, 1997.

FOR FURTHER INFORMATION CONTACT: Penny S. Bates, Program Analyst, Community Support Program, Office of Policy, 202/408–2574, or Janice A. Kaye, Attorney-Advisor, Office of General Counsel, 202/408–2505, Federal Housing Finance Board, 1777 F Street, N.W., Washington, D.C. 20006.

SUPPLEMENTARY INFORMATION:

I. Statutory and Regulatory Background

Section 10(g)(1) of the Federal Home Loan Bank Act (Bank Act) requires the Finance Board to promulgate regulations establishing standards of community investment or service that FHLBank members must meet in order to maintain access to long-term advances. *See* 12 U.S.C. 1430(g)(1). The regulations promulgated by the Finance Board must take into account factors such as the FHLBank member's performance under the Community Reinvestment Act of 1977 (CRA), 12 U.S.C. 2901, *et seq.*, and record of lending to first-time homebuyers. *See* 12 U.S.C. 1430(g)(2). In May 1997, the Finance Board published a final community support requirement rule establishing uniform standards and review criteria for determining compliance with section 10(g) of the Bank Act. *See* 62 FR 28983 (May 29, 1997). The streamlined community support requirement rule became effective on June 30, 1997. *See id.*

II. Analysis of the Technical Amendment

Section 936.5(d)(1)(i) of the community support requirement regulation authorizes the Finance Board, in its sole discretion, to remove a restriction on access to long-term advances imposed under this part if it determines that application of the restriction may adversely affect the safety and soundness of the member. *See* 12 CFR 936.5(d)(1)(i). The rule permits a member to submit a detailed written request to the Finance Board to remove a restriction. *See id.* The member's request must include a statement from its appropriate federal financial supervisory agency that application of the restriction may adversely affect the safety and soundness of the member. For purposes of the community support requirement rule, the term ''appropriate federal financial supervisory agency'' means the Office of the Comptroller of the Currency for national banks; the Board of Governors of the Federal Reserve System for state chartered banks that are members of the Federal Reserve System and bank holding companies; the Federal Deposit Insurance Corporation for state chartered banks and savings banks that are not members of the Federal Reserve System and the deposits of which are insured by the Federal Deposit Insurance Corporation; and the Office of Thrift Supervision for savings associations the deposits of which are insured by the Federal Deposit Insurance Corporation and savings and loan holding companies. *Id.* § 936.1(e).

Since the regulatory definition is the same as the one provided for purposes of the CRA, *see* 12 U.S.C. 2902(1), it does not include the primary regulators of a federally insured credit union member that is not subject to the CRA or a FHLBank member that is subject to supervision only by a state regulator. Thus, such members would be unable to provide all of the information required to make a request to the Finance Board for removal of a restriction on access to long-term advances based on safety and soundness concerns. In order to correct this oversight, the Finance Board is amending § 936.5(d)(1)(i) to permit a FHLBank member that is not subject to supervision by an appropriate federal financial supervisory agency to submit a statement concerning the adverse affects on safety and soundness of a restriction on long-term advances from the National Credit Union Administration or its primary state regulator, as appropriate.

III. Notice and Public Participation

The notice and comment procedure required by the Administrative Procedure Act is unnecessary in this instance because the final rule makes only a minor technical change to a recently promulgated rule. *See* 5 U.S.C. 553(b)(3)(B).

IV. Regulatory Flexibility Act

The Finance Board is adopting this technical amendment in the form of a final rule and not as a proposed rule. Therefore, the provisions of the Regulatory Flexibility Act do not apply. *See id.* 601(2), 603(a).

V. Paperwork Reduction Act

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

List of Subjects in 12 CFR Part 936

Credit, Federal home loan banks, Housing, Reporting and recordkeeping requirements.

Accordingly, the Federal Housing Finance Board hereby amends title 12, chapter IX, part 936 of the Code of Federal Regulations to read as follows:

PART 936—COMMUNITY SUPPORT REQUIREMENTS

1. The authority citation for part 936 continues to read as follows:

Authority: 12 U.S.C. 1422a(a)(3)(B), 1422b(a)(1), 1429, and 1430.

2. Revise § 936.5(d)(1)(i) to read as follows:

§ 936.5 Restrictions on access to long-term advances.

* * * * *

(d) * * *

(1) * * *

(i) If the Finance Board determines that application of the restriction may adversely affect the safety and soundness of the member. A member may submit a written request to the Finance Board to remove a restriction on access to long-term advances under this paragraph (d)(1)(i). Such written

request shall contain a clear and concise statement of the basis for the request, and a statement that application of the restriction may adversely affect the safety and soundness of the member from the member's appropriate federal financial supervisory agency, or the National Credit Union Administration for a federally insured credit union member, or the member's *appropriate state regulator* for a member that is not subject to regulation or supervision by a federal regulator. The Finance Board shall consider each written request within 30 calendar days of receipt. For purposes of this paragraph (d)(1)(i), the term *appropriate state regulator* means any state officer, agency, supervisor, or other entity that has regulatory authority over, or is empowered to institute enforcement action against, a member.

* * * * *

Dated: August 28, 1997.

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

Bruce A. Morrison,

Chairperson.

[FR Doc. 97–23510 Filed 9–4–97; 8:45 am]

BILLING CODE 6725–01–U

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 71

[Airspace Docket No. 97–AWP–3]

Establishment of Class E Airspace; South Lake Tahoe, CA

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule.

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

EFFECTIVE DATE: 0901 UTC November 6, 1997.

FOR FURTHER INFORMATION CONTACT: Larry Tonish, Airspace Specialist, Airspace Branch, AWP–520, Air Traffic Division, Western-Pacific Region, Federal Aviation Administration, 15000 Aviation Boulevard, Lawndale, California 90261, telephone (310) 725–6555.

SUPPLEMENTARY INFORMATION:

History

On June 9, 1997, the FAA proposed to amend part 71 of the Federal Aviation Regulations (14 CFR part 71) by establishing a Class E airspace area at South Lake Tahoe, CA (62 FR 31373). This action will provide adequate controlled airspace to accommodate a GPS RWY 18 SIAP at Lake Tahoe Airport, South Lake Tahoe, CA.

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 designations are published in paragraph 6005 of FAA Order 7400.9D dated September 4, 1996, and effective September 16, 1996, which is incorporated by reference in 14 CFR 71.1. The Class E airspace designations listed in this document will be published subsequently in the Order.

The Rule

This amendment to part 71 of the Federal Aviation Regulations (14 CFR part 71) establishes a Class E airspace area at South Lake Tahoe, CA. The development of a GPS SIAP has made this action necessary. The effect of this action will provide adequate airspace for aircraft executing the GPS RWY 18 SIAP at Lake Tahoe Airport, South Lake Tahoe, CA.

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

Airspace, Incorporation by reference, Navigation (air).

Adoption of the Amendment

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

PART 71—[AMENDED]

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

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

§ 71.1 [Amended]

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

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

* * * * *

AWP CA E5 South Lake Tahoe, CA [New]

Lake Tahoe Airport, CA
(Lat. 38°53′38″ N, long. 119°59′43″ W)

That airspace extending upward from 700 feet above the surface within a 6-mile radius of Lake Tahoe Airport and within 2 miles each side of the 008° bearing from the Lake Tahoe Airport extending from the 6-mile radius to 9.8 miles north of the Lake Tahoe Airport.

* * * * *

Issued in Los Angeles, California, on August 5, 1997.

Thomas L. Parks,

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

[FR Doc. 97–23605 Filed 9–4–97; 8:45 am]

BILLING CODE 4910–13–M

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 71

[Airspace Docket No. 97–AWP–22]

Amendment of Class E Airspace; Mammoth Lakes, CA

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule.

SUMMARY: This action amends the Class E airspace area at Mammoth Lakes, CA. The development of a Global Positioning System (GPS) Standard Instrument Approach Procedure (SIAP) to Runway (RWY) 27 has made this action necessary. The intended effect of this action is to provide adequate controlled airspace for Instrument Flight Rules (IFR) operations at Mammoth Lakes Airport, Mammoth Lakes, CA.

EFFECTIVE DATE: 0901 UTC November 06, 1997.

FOR FURTHER INFORMATION CONTACT:

Larry Tonish, Airspace Specialist, Airspace Branch, AWP–520, Air Traffic Division, Western-Pacific Region, Federal Aviation Administration, 15000 Aviation Boulevard, Lawndale, California 90261, telephone (310) 725–6531.

SUPPLEMENTARY INFORMATION:

History

On June 9, 1997, the FAA proposed to amend part 71 of the Federal Aviation Regulations (14 CFR part 71) by amending the Class E airspace areas at Mammoth Lakes, CA (62 FR 31374). The development of a GPS SIAP at Mammoth Lakes Airport has made this action necessary. The intended effect of this action is to provide adequate airspace for aircraft executing the GPS RWY 27 SIAP to Mammoth Lakes Airport, Mammoth Lakes, CA.

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 designations are published in Paragraph 6005 of FAA Order 7400.9D, dated September 4, 1996, and effective September 16, 1996, which is incorporated by reference in 14 CFR 71.1. 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 Regulations (14 CFR part 71) amends the Class E airspace area at Mammoth Lakes, CA. The development of a GPS SIAP at Mammoth Lakes Airport has made this action necessary. The intended effect of this action is to provide adequate controlled airspace for aircraft executing the GPS RWY 27 SIAP at Mammoth Lakes Airport, Mammoth Lakes, CA.

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

Airspace, Incorporation by reference, Navigation (air).

Adoption of the Amendment

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

PART 71—[AMENDED]

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

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

§ 71.1 [Amended]

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

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

* * * * *

AWP CA E5 Mammoth Lakes, CA [Revised]

Mammoth Lakes Airport, CA
(Lat. 37°37′26″ N, long. 118°50′19″ W)

That airspace extending upward from 700 feet above the surface within a 6.6-mile radius of the Mammoth Lakes Airport. That airspace extending upward from 1,200 feet above the surface within the area bounded by a line beginning a lat. 37°49′00″ N, long. 119°00′00″ W; to lat. 37°49′00″ N, long. 119°13′00″ W; to lat. 38°11′00″ N, long. 119°13′00″ W; to lat. 38°11′00″ N, long. 118°27′00″ W; to lat. 37°30′00″ N, long. 118°27′00″ W; to lat. 37°30′00″ N, 119°00′00″ W, thence to the point of beginning.

* * * * *

Issued in Los Angeles, California, on August 12, 1997.

Sonja P. Keller,

Acting Manager, Air Traffic Division Western-Pacific Region.

[FR Doc. 97–23604 Filed 9–4–97; 8:45 am]

BILLING CODE 4910–13–M

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 71

[Airspace Docket No. 97–ASO–11]

Establishment of Class E Airspace; Sebastian, FL

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule.

SUMMARY: This amendment establishes Class E airspace at Sebastian, FL. A Global Positioning System (GPS) Runway (RWY) 4 Standard Instrument Approach Procedure (SIAP) has been developed for Sebastian Municipal Airport. Controlled airspace extending upward from 700 feet Above Ground Level (AGL) is needed to accommodate the SIAP and for Instrument Flight Rules (IFR) operations at the airport. The operating status of the airport will change from Visual Flight Rules (VFR) to include IFR operations concurrent with publication of the SIAP.

EFFECTIVE DATE: 0901 UTC, November 6, 1997.

FOR FURTHER INFORMATION CONTACT: Nancy B. Shelton, Airspace Branch, Air Traffic Division, Federal Aviation Administration, P.O. Box 20636, Atlanta, Georgia 30320; telephone (404) 305–5581.

SUPPLEMENTARY INFORMATION:

History

On May 14, 1997, the FAA proposed to amend part 71 of the Federal Aviation Regulations (14 CFR part 71) by establishing Class E airspace at Sebastian, FL, (62 FR 26458). This action will provide adequate Class E airspace for IFR operations at Sebastian Municipal Airport. Designations for Class E airspace extending upward from 700 feet or more above the surface are published in Paragraph 6005 of FAA Order 7400.9D dated September 4, 1996, and effective September 16, 1996, which is incorporated by reference in CFR part 71.1. The Class E airspace designation listed in this document will be published subsequently in the Order.

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

The Rule

This amendment to part 71 of the Federal Aviation Regulations (14 CFR part 71) establishes Class E airspace at Sebastian, FL, to accommodate a GPS RWY 4 SIAP and for IFR operations at Sebastian Municipal Airport. The operating status of the airport will be changed from VFR to include IFR operations concurrent with publication of the SIAP.

The FAA has determined that this regulation only involves an established body of technical regulations for which frequent and routine amendments are necessary to keep them operationally current. It, therefore, (1) is not a ''significant regulatory action'' under

Executive Order 12866; (2) is not a ''significant rule'' under DOT Regulatory Policies and Procedures (44 FR 11034; February 26, 1979); and (3) does not warrant preparation of a Regulatory Evaluation as the anticipated impact is so minimal. Since this is a routine matter that will only affect air traffic procedures and air navigation, it is certified that this rule will not have a significant economic impact on a substantial number of small entities under the criteria of the Regulatory Flexibility Act.

List of Subjects in 14 CFR Part 71

Airspace, Incorporation by reference, Navigation (air).

Adoption of the Amendment

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

PART 71—[AMENDED]

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

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

§ 71.1 [Amended]

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

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

* * * * *

ASO FL E5 Sebastian, FL [New]

Sebastian Municipal Airport, FL
(Lat. 27°48′46″ N, long. 80°29′44″ W)

That airspace extending upward from 700 feet above the surface within a 6.5-mile radius of Sebastian Municipal Airport, excluding that airspace within the Vero Beach, FL, Class E airspace area.

* * * * *

Issued in College Park, Georgia, on August 6, 1997.

Nancy B. Shelton,

Manager, Air Traffic Division, Southern Region.

[FR Doc. 97–23603 Filed 9–4–97; 8:45 am]

BILLING CODE 4910–13–M

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Food and Drug Administration

21 CFR Part 312

[Docket No. 95N–0138]

Disqualification of a Clinical Investigator

AGENCY: Food and Drug Administration, HHS.

ACTION: Final rule.

SUMMARY: The Food and Drug Administration (FDA) is amending the investigational new drug regulation that provides for disqualification of clinical investigators who submit false information. The revision is intended to clarify the agency's authority to reach sponsor-investigators under the regulation.

EFFECTIVE DATE: November 4, 1997.

FOR FURTHER INFORMATION CONTACT: Thomas C. Kuchenberg, Center for Drug Evaluation and Research (HFD–7), Food and Drug Administration, 7500 Standish Pl., Rockville, MD 20855, 301–594–1046.

SUPPLEMENTARY INFORMATION:

I. Background

FDA is amending the regulations governing the disqualification of clinical investigators to clarify that § 312.70 (21 CFR 312.70) reaches sponsor-investigators.

Part 312 (21 CFR part 312) requires sponsors to monitor the progress of clinical investigations, to review and evaluate evidence relating to the safety and effectiveness of the drug under investigation, and to report to FDA information based on these monitoring and review activities. Clinical investigators conduct clinical trials on new drugs and submit the resulting data to individual or corporate sponsors. Data generated by the clinical investigators are the subject of the reports submitted by sponsors to FDA.

In the **Federal Register** of February 16, 1996 (61 FR 6177), FDA proposed amending § 312.70 by adding language that would clarify that FDA can disqualify clinical investigators, including sponsor-investigators, for submitting to sponsors or to FDA false information in any required report. Under current § 312.70(b), the agency may disqualify an investigator who has ''deliberately or repeatedly submitted false information to the sponsor in any required report.'' However, unlike investigators, sponsor-investigators, who both directly conduct investigations and report data to FDA, submit information directly to FDA and not to a separate sponsor. Because § 312.3(b) specifically states that the ''requirements applicable to a sponsor-investigator under this part include both those applicable to an investigator and a sponsor,'' § 312.70(b) encompasses the disqualification of sponsor-investigators. This has been the agency's long-standing interpretation for clinical investigator disqualifications for drugs, animal drugs, and devices. However, for clarity, the agency is amending this regulation to make specific reference to FDA and to sponsor-investigators. FDA also intends in the near future to review and harmonize the clinical investigator disqualification provisions under device and animal drug regulations (21 CFR 812.119 and 511.1(c)) with the changes made in this final rule.

II. Comments on the Proposed Rule

FDA received one comment on the proposed rule. The comment commended FDA for the proposed amendment to § 312.70, stating that it is imperative that data supporting the safety and efficacy of pharmaceuticals be accurate and reliable. The comment noted that it was in the best interest of patients, investigators, pharmaceutical companies, and the Government that FDA be able to assure the integrity of data. The comment also expressed support for the disqualification of a clinical investigator who has deliberately or repeatedly supplied false information to a sponsor or to FDA.

FDA welcomes comments and suggestions from all persons interested in protecting the integrity of clinical data. The deliberate submission of false information by those directly responsible for administering or dispensing an investigational new drug subverts the integrity of the review process. At worst, such actions may endanger public health and safety and, at a minimum, will challenge public confidence in a review process that is conducted with honesty by the vast majority of investigators and sponsor-investigators.

III. Environmental Impact

The agency has determined under 21 CFR 25.24(a)(8) 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.

IV. Analysis of Impacts

FDA has examined the impacts of the final rule under Executive Order 12866

and the Regulatory Flexibility Act (5 U.S.C. 601–612). 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 final rule is consistent with the regulatory philosophy and principles identified in the Executive Order. In addition, the final rule is not a significant regulatory action as defined by the Executive Order and so 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. Because this regulation does not impose reporting, recordkeeping, or other economic burdens, the agency certifies that the final 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.

List of Subjects in 21 CFR Part 312

Drugs, Exports, Imports, Investigations, Labeling, Medical research, Reporting and recordkeeping requirements, Safety.

Therefore, under the Federal Food, Drug, and Cosmetic Act and under authority delegated to the Commissioner of Food and Drugs, 21 CFR part 312 is amended as follows:

PART 312—INVESTIGATIONAL NEW DRUG APPLICATION

1. The authority citation for 21 CFR part 312 continues to read as follows:

Authority: Secs. 201, 301, 501, 502, 503, 505, 506, 507, 701 of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 321, 331, 351, 352, 353, 355, 356, 357, 371); sec. 351 of the Public Health Service Act (42 U.S.C. 262).

2. Section 312.70 is amended by revising the first sentences of paragraphs (a) and (b) to read as follows:

§ 312.70 Disqualification of a clinical investigator.

(a) If FDA has information indicating that an investigator (including a sponsor-investigator) has repeatedly or deliberately failed to comply with the requirements of this part, part 50, or part 56 of this chapter, or has submitted to FDA or to the sponsor false information in any required report, the Center for Drug Evaluation and Research or the Center for Biologics Evaluation and Research will furnish the investigator written notice of the matter complained of and offer the investigator an opportunity to explain the matter in writing, or, at the option of the investigator, in an informal conference. * * *

(b) After evaluating all available information, including any explanation presented by the investigator, if the Commissioner determines that the investigator has repeatedly or deliberately failed to comply with the requirements of this part, part 50, or part 56 of this chapter, or has deliberately or repeatedly submitted false information to FDA or to the sponsor in any required report, the Commissioner will notify the investigator and the sponsor of any investigation in which the investigator has been named as a participant that the investigator is not entitled to receive investigational drugs. * * *

* * * * *

Dated: August 29, 1997.

William B. Schultz,

Deputy Commissioner for Policy.

[FR Doc. 97–23587 Filed 9–4–97; 8:45 am]

BILLING CODE 4160–01–F

UNITED STATES INFORMATION AGENCY

22 CFR 514

Exchange Visitor Program

AGENCY: United States Information Agency.

ACTION: Final rule.

SUMMARY: The Agency adopts as final and without change the interim final rule governing au pair program participation adopted June 27, 1997.

DATES: This rule is effective September 5, 1997.

FOR FURTHER INFORMATION CONTACT: Exchange Visitor Program Services, Program Designation Branch, United States Information Agency, 301 4th Street, SW., Washington DC 20547; Telephone (202) 401–9810.

SUPPLEMENTARY INFORMATION: The Agency adopted an interim final rule governing au pair program participation on June 27, 1997 (62 FR 34632.) This interim final rule amended existing au pair program regulations adopted February 15, 1995 (60 FR 8547.) Specifically, the interim rule further defined the selection and screening requirements for au pair participants and required that participants actually attend rather than merely enroll for six hours of academic credit. Further, the number of hours that au pair may provide child care services was limited to no more than 10 hours per day and forty-five hours in any given week.

The Agency provided for a thirty day public comment period which ended July 27, 1997 and received forty-one comments. The Agency reviewed those comments and found that all comments received objected to the educational program component, the wage to be paid to the au pair participant, or the limitation on the number of hours an au pair participant may work. Due to the Agency's past review of these three specific areas of the au pair program, the Agency has determined that it is appropriate to adopt the interim final regulation as final and without modification notwithstanding these comments from interested members of the public.

List of Subjects in 22 CFR Part 514

Cultural exchange programs.

Dated: August 29, 1997.

Les Jin,

General Counsel.

PART 514—EXCHANGE VISITOR PROGRAM

Accordingly, the interim rule amending 22 CFR part 514 which was published at 62 FR 34633 on June 27, 1997 is adopted as a final rule without change.

[FR Doc. 97–23624 Filed 9–4–97; 8:45 am]

BILLING CODE 8230–01–M

DEPARTMENT OF THE TREASURY

Internal Revenue Service

26 CFR Part 1

[TD 8722]

RIN 1545–AV33

Guidance Regarding Claims for Certain Income Tax Convention Benefits; Correction

AGENCY: Internal Revenue Service, Treasury.

ACTION: Correction to temporary regulations.

SUMMARY: This document contains corrections to temporary regulations (TD 8722) which were published in the **Federal Register** on Wednesday, July 2, 1997 (62 FR 35673). The temporary regulations relate to the eligibility for benefits under income tax treaties for payments to entities.

EFFECTIVE DATE: July 2, 1997.

FOR FURTHER INFORMATION CONTACT: Elizabeth Karzon, (202) 622–3880 (not a toll-free number).

SUPPLEMENTARY INFORMATION:

Background

The temporary regulations that are subject to these corrections are under section 894 of the Internal Revenue Code.

Need for Correction

As published, the temporary regulations (TD 8722) contain errors that may prove to be misleading and are in need of clarification.

Correction of Publication

Accordingly, the publication of the temporary regulations (TD 8722) which are the subject of FR Doc. 97–17467 is corrected as follows:

1. On page 35673, column 1, in the preamble in the caption **FOR FURTHER INFORMATION CONTACT**, line 2, the language ''Elizabeth Karzon, (202) 622–3860 (not a'' is corrected to read ''Elizabeth Karzon, (202) 622–3880 (not a''.

§ 1.894–1T [Corrected]

2. On page 35676, column 3, § 1.894–1T, paragraph (d)(1), line 5 from the bottom of the column, the language ''a resident of the jurisdiction only to the'' is corrected to read ''a resident of the jurisdiction to the''.

3. On page 35677, column 1, § 1.894–1T, paragraph (d)(1), line 9, the language ''a resident of such jurisdiction only if'' is corrected to read ''a resident of such jurisdiction if''.

4. On page 35679, column 2, § 1.894–1T, paragraph (d)(6), paragraph (i) of *Example 11.*, line 16, the language ''holder, is a corporation organized in Country'' is corrected to read ''holder, is a business organization organized in Country''.

5. On page 35679, column 3, § 1.894–1T, paragraph (d)(6), paragraph (ii) of *Example 11.*, line 15, the language ''jurisdiction. F, however, may claim the'' is corrected to read ''jurisdiction. F, however, is entitled to the''.

5. On page 35679, column 3, § 1.894–1T, paragraph (d)(6), paragraph (ii) of *Example 11.*, line 20, the language ''of X, because X qualifies as a resident of X'' is corrected to read ''of X, because F qualifies as a resident of X''.

Cynthia E. Grigsby,

Chief, Regulations Unit, Assistant Chief Counsel (Corporate).

[FR Doc. 97–23645 Filed 9–4–97; 8:45 am]

BILLING CODE 4830–01–U

DEPARTMENT OF THE TREASURY

Internal Revenue Service

26 CFR Part 1

[TD 8656]

RIN 1545–AS24

Section 6662—Imposition of the Accuracy-Related Penalty; Correction

AGENCY: Internal Revenue Service (IRS), Treasury.

ACTION: Correcting amendment.

SUMMARY: This document contains a correction to final regulations (TD 8656) in the Code of Federal Regulations, which were published in the **Federal Register** on Friday, February 9, 1996 (61 FR 4876). The final regulations provide guidance on the imposition of the accuracy related penalty.

EFFECTIVE DATE: February 9, 1996.

FOR FURTHER INFORMATION CONTACT: Lisa G. Sams (202) 622–3880 (not a toll-free number).

SUPPLEMENTARY INFORMATION:

Background

The final regulations that are the subject of these corrections are under section 6662 of the Internal Revenue Code.

Need for Correction

As published, TD 8656 contains an error that may prove to be misleading and is in need of clarification.

List of Subjects in 26 CFR Part 1

Income taxes, Reporting and recordkeeping requirements.

Accordingly, 26 CFR part 1 is corrected by making the following correcting amendment:

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 * * *

§ 1.6662–6 [Corrected]

Par. 2. In § 1.6662–6, paragraph (d)(2)(ii)(E) is amended by removing the language ''§ 1.482–1(e)(2)(ii)(B)'' from the last sentence and adding the language ''§ 1.482–1(e)(2)(iii)(B)'' in its place.

Cynthia E. Grigsby,

Chief, Regulations Unit, Assistant Chief Counsel (Corporate).

[FR Doc. 97–23646 Filed 9–4–97; 8:45 am]

BILLING CODE 4830–01–U

DEPARTMENT OF DEFENSE

Office of the Secretary

32 CFR Part 199

[DoD 6010.8–R]

RIN 0720–AA33

Civilian Health and Medical Program of the Uniformed Services (CHAMPUS); Health Promotion and Disease Prevention Visits and Immunizations

AGENCY: Office of the Secretary, DoD.

ACTION: Final rule.

SUMMARY: This final rule expands well-baby visits and immunizations to dependents under the age of six and improves access to preventive benefits for dependents age six and above to include health promotion and disease prevention visits in connection with immunizations, Pap smears, mammograms, and colon and prostate cancer screenings.

DATES: This final rule is effective October 6, 1997.

ADDRESSES: Office of Health Services Financing Policy, Department of Defense, Room 1B657 Pentagon, Washington, DC 20301–1200.

FOR FURTHER INFORMATION CONTACT: Cynthia P. Speight, Office of the Assistant Secretary of Defense (Health Affairs), (703) 697–8975.

SUPPLEMENTARY INFORMATION:

A. Provisions of Proposed Rule

On February 10, 1996, Pub.L. 104–106 was signed into law. Section 701 of that law extends coverage of ''well-baby visits'' and immunizations for an additional three years, from up to two years of age to under six years of age. Section 701 also provides for additional preventive care services under the Basic CHAMPUS Program (see § 199.4) for dependents six years of age or older. This rule implements provisions of Pub.L. 104–106 by changing ''well-baby care'' to ''well-child care'' and by providing for additional preventive care services for dependents six years of age or older. This rule improves availability of immunizations and other preventive services, particularly for children. While these services have previously been available in military hospitals and clinics, access has depended on proximity to military medical treatment facilities with available space and services. Access, therefore, has not been uniformly attainable for all beneficiaries. This rule improves access by authorizing coverage of these services by all TRICARE benefit options,

subject to their respective copay requirements. This rule also implements provisions of P.L. 104–201 by expanding preventive health care services covered by TRICARE/CHAMPUS to include colon and prostate cancer screening.

These preventive services and immunizations are based on recommendations of the U.S. Preventive Services Task Force which participated in setting national health goals in the report Healthy People 2000. Broad goals set by Health People 2000 included an increase in the span of healthy life for Americans, reduction in health disparities among Americans, and access to preventive services for all Americans. This rule strengthens existing programs within the Department and contributes significantly to national efforts toward meeting these goals.

B. Public Comments

The proposed rule was published on November 5, 1996 (61 FR 56929–56930). We received one public comment. We thank the commenter; significant items raised by the commenter and our analysis of the comments are summarized below in the appropriate sections of the preamble.

1. Screening Mammography. We received a comment expressing confusion regarding the provision relating to screening mammography for asymptomatic women 40 years of age and older and its correlation with the TRICARE/CHAMPUS Policy Manual. The commenter maintains that a baseline screening mammogram should be obtained by a woman at 35 years.

Response: We agree that high risk women, especially those with family history of breast cancer in a first degree relative, should receive a baseline mammogram at 35, and have included this language. For asymptomatic women routine screening at age 40 is consistent with nationally recognized guidelines. The TRICARE/CHAMPUS policy manual has been modified to reflect this policy.

2. Screening Mammography. The commenter pointed out that since October 1, 1994, the Mammography Quality Standards Act of 1992 (P.L. 102–539) has required mammography facilities to be certified by the Secretary of the Department of Health and Human Services rather than the American College of Radiology.

Response: We appreciate the comment and this change will be made in TRICARE/CHAMPUS policy manual.

3. *Cancer Screening Papanicolaou Test—Diagnostic Pap Smear Coverage.* The commenter expressed concern that diagnostic Pap smear coverage would not be applicable to women under the age of 18.

Response: All diagnostic Pap smears are covered regardless of age.

4. *Cancer Screening Papanicolaou Test—Women at Risk.* Another comment we received recommended expanding the list of risk factors that increase the chances that a women will develop cervical cancer and necessitate close monitoring of her health status with an annual Pap smear.

Response: We agree with this recommendation and have modified the final rule to expand coverage of Pap smears to include women who are at risk for sexually transmissible disease, women who have or have had multiple sexual partners (or if their partner has or has multiple sexual partners), and women who smoke cigarettes.

5. Cancer Screening Papanicolaou—Test—Copayment. We received a comment expressing opposition to requiring beneficiaries to make copayments to obtain Pap smears.

Response: For those who enroll in TRICARE Prime, there is no copayment for Pap smears. Sections 1079(b) and 1086(b) of Title 10, U.S.C. prevent the Department from waiving copayments for those who participate in TRICARE Extra or TRICARE Standard.

C. Provisions of Final Rule

This final rule expands well-baby visits and immunizations to dependents under the age of six and improves access to preventive benefits for dependents age six and above to include health promotion and disease prevention visits in connection with immunizations, Pap smears, mammograms, and colon and prostate cancer screenings. Minor administrative changes have been made as a result of interagency comments.

We modified the final rule to include physician assistants and family nurse practitioners in the group of providers who can receive reimbursement for preventive services as part of the well-child care program. In addition, we modified the provision pertaining to periodic health supervision visits under the well-child care program. Specifically, we defined ''periodic'' according to American Academy of Pediatrics (AAP) guidelines and included mental health assessment, risk assessment for lead exposure, and breastfeeding and nutrition counseling to the services covered under the periodic health supervision visits.

D. Regulatory Procedures

Executive Order 12866 requires that a regulatory impact analysis be performed on any significant regulatory action, defined as one which would have an annual effect on the economy of $100 million or more, or have other significant effects.

The Regulatory Flexibility Act requires that each federal agency prepare a regulatory flexibility analysis when the agency issues regulations which would have a significant impact on a substantial number of small entities. This final rule is not a significant regulatory action under E.O. 12866, nor would it have a significant impact on small entities. In addition, this final rule does not impose new information collection requirements for purposes of the Paperwork Reduction Act of 1980 (44 U.S.C. 3501–3511).

List of Subjects in 32 CFR Part 199

Claims, Handicapped, Health insurance, Military personnel.

PART 199—[AMENDED]

According, 32 CFR part 199 is amended as follows:

1. The authority citation for part 199 continues to read as follows:

Authority: 5 U.S.C. 301; and 10 U.S.C. Chapter 55.

2. Section 199.2(b) is amended by removing the definition for ''well-baby care'' and adding the definition for ''well-child care'' in alphabetical order as follows:

§ 199.2 Definitions.

* * * * *

(b) * * *

Well-child care. A specific program of periodic health screening, developmental assessment, and routine immunization for dependents under six years of age.

* * * * *

3. Section 199.4 is amended by revising the heading of (c)(2), and revising paragraphs (c)(2)(xiii), (c)(2)(xvi), (c)(3)(xi), (g)(37), and (g)(47) to read as follows:

§ 199.4 Basic program benefits.

* * * * *

(c) * * *

(2) *Covered services of physicians and other authorized profession providers.*

* * * * *

(xiii) *Well-child care.*

* * * * *

(xvi) *Routine eye examinations.* Coverage for routine eye examinations is limited to dependents of active duty members, to one examination per calendar year per person, and to services rendered on or after October 1, 1984, except as provided under paragraph (c)(3)(xi) of this section.

(3) * * *

(xi) *Well-child care.* Benefits routinely are covered for well-child care from birth to under six years of age. These periodic health examinations are designed for prevention, early detection and treatment of disease and consist of screening procedures, immunizations and risk counseling.

(A) The following services are covered when required as a part of the specific well-child care program and when rendered by the attending pediatrician, family physician, certified nurse practitioner, or certified physician assistant.

(*1*) Newborn examination, heredity and metabolic screening, and newborn circumcision.

(*2*) Periodic health supervision visits, in accordance with American Academy of Pediatrics (AAP) guidelines, intended to promote the optimal health for infants and children to include the following services:

(*i*) History and physical examination and mental health assessment.

(*ii*) Vision, hearing, and dental screening.

(*iii*) Developmental appraisal to include body measurement.

(*iv*) Immunizations as recommenced by the Centers for Disease Control (CDC).

(*v*) Pediatric risk assessment for lead exposure and blood lead level test.

(*vi*) Tuberculosis screening.

(*vii*) Blood pressure screening.

(*viii*) Measurement of hemoglobin and hematocrit for anemia.

(*ix*) Urinalysis.

(*x*) Health guidance and counseling, including breastfeeding and nutrition counseling.

(B) Additional services or visits required because of specific findings or because the particular circumstances of the individual case are covered if medically necessary and otherwise authorized for benefits under CHAMPUS.

(C) The Deputy Assistant Secretary of Defense, Health Services Financing, will determine when such services are separately reimbursable apart from the health supervision visit.

* * * * *

(g) * * *

(37) *Preventive care.* Preventive care, such as routine, annual, or employment-requested physical examinations; routine screening procedures; except that the following are not excluded:

(i) Well-child care.

(ii) Immunizations for individuals age six and older, as recommended by the CDC.

(iii) Rabies shots.

(iv) Tetanus shot following an accidental injury.

(v) Rh immune globulin.

(vi) Genetic tests as specified in paragraph (e)(3)(ii) of this section.

(vii) Immunizations and physical examinations provided when required in the case of dependents of active duty military personnel who are traveling outside the United States as a result of an active duty member's assignment and such travel is being performed under orders issued by a Uniformed Service.

(viii) Screening mammography for asymptomatic women 40 years of age and older, and for high risk women 35 years of age and older, when provided under the terms and conditions contained in the guidelines adopted by the Deputy Assistant Secretary of Defense, Health Services Financing.

(ix) Cancer screening Papanicolaou (PAP) test for women who are at risk for sexually transmissible diseases, women who have or have had multiple sexual partners (or if their partner has or has had multiple sexual partners), women who smoke cigarettes, and women 18 years of age and older when provided under the terms and conditions contained in the guidelines adopted by the Deputy Assistant Secretary of Defense, Health Services Financing.

(x) Other cancer screenings authorized by 10 U.S.C. 1079.

(xi) Health promotion and disease prevention visits (which may include all of the services provided pursuant to § 199.18(b)(2)) may be provided in connection with immunizations and cancer screening examinations authorized by paragraphs (g)(37)(ii) of this section or (g)(37) (viii) through (x) of this section.

* * * * *

(47) *Eye and hearing examinations.* Eye and hearing examinations except as specifically provided in paragraphs (c)(2)(xvi) and (c)(3)(xi) of this section, or except when rendered in connection with medical or surgical treatment of a covered illness or injury.

* * * * *

Dated: August 29, 1997.

L.M. Bynum,

Alternate OSD Federal Register Liaison Officer, Department of Defense.

[FR Doc. 97–23521 Filed 9–4–97; 8:45 am]

BILLING CODE 5000–04–M

DEPARTMENT OF TRANSPORTATION

Coast Guard

33 CFR Part 117

[CGD08–97–032]

Drawbridge Operations; Kelso Bayou, LA

AGENCY: Coast Guard, DOT.

ACTION: Notice of temporary deviation from regulations.

SUMMARY: The Commander, Eighth Coast Guard District has issued a temporary deviation from the regulation governing the operation of the SR 27 swing span drawbridge across Kelso Bayou, mile 0.7 at Hackberry, Cameron Parish, Louisiana. This deviation allows the bridge to remain closed to navigation between the hours of 3 a.m. and 11 a.m. on September 6, 1997. This closure is necessary to facilitate movement of vehicular traffic for a continuous concrete pouring operation scheduled for that day.

DATES: The deviation is effective from 3 a.m. until 11 a.m. on September 6, 1997.

FOR FURTHER INFORMATION CONTACT: Mr. Phil Johnson, Bridge Administration Branch, Commander (ob), Eighth Coast Guard District, 501 Magazine Street, New Orleans, Louisiana 70130–3396, telephone number (504) 589–2965.

SUPPLEMENTARY INFORMATION: The SR 27 swing span drawbridge across Kelso Bayou, mile 0.7 at Hackberry, Cameron Parish, Louisiana has a vertical clearance of three feet above mean high water in the closed to navigation position and unlimited clearance in the open to navigation position. Navigation on the waterway consists primarily of fishing vessels and recreational craft. The Louisiana Department of Transportation and Development has requested a temporary deviation from the normal operation of the bridge so that the contractor can conduct a continuous concrete pour operation at the U.S. Department of Energy Storage Site at Hackberry, Louisiana. This operation will require that approximately 35 cement trucks deliver pre-mixed concrete to the site on a perpetual traveling schedule. Delays to vehicular traffic due to drawbridge openings at the Kelso Bayou bridge would jeopardize this time sensitive procedure.

Presently, the draw is required to open on signal during the shrimping season, which is from about May 25 through December 22. This deviation allows the draw to remain closed to navigation between the hours of 3 a.m. and 11 a.m. on September 6, 1997.

Dated: August 26, 1997.

T.W. Josiah,

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

[FR Doc. 97–23518 Filed 9–4–97; 8:45 am]

BILLING CODE 4910–14–M

DEPARTMENT OF TRANSPORTATION

Coast Guard

33 CFR Part 117

[CGD08–97–033]

Drawbridge Operations; Gulf Intracoastal Waterway, LA

AGENCY: Coast Guard, DOT.

ACTION: Notice of temporary deviation from regulations.

SUMMARY: The Commander, Eighth Coast Guard District has issued a temporary deviation from the regulation governing the operation of the SR 27 vertical lift span drawbridge across the Gulf Intracoastal Waterway, mile 243.8, west of Harvey Lock, at Ellender, Calcasieu Parish, Louisiana. This deviation allows the bridge to remain closed to navigation between the hours of 3 a.m. and 11 a.m. on September 6, 1997. This closure is necessary to facilitate movement of vehicular traffic for a continuous concrete pouring operation scheduled for that day.

DATES: The deviation is effective from 3 a.m. until 11 a.m. on September 6, 1997.

FOR FURTHER INFORMATION CONTACT: Mr. Phil Johnson, Bridge Administration Branch, Commander (ob), Eighth Coast Guard District, 501 Magazine Street, New Orleans, Louisiana 70130–3396, telephone number (504) 589–2965.

SUPPLEMENTARY INFORMATION: The SR 27 vertical lift span drawbridge across the Gulf Intracoastal Waterway, mile 243.8, west of Harvey Lock, at Ellender, Calcasieu Parish, Louisiana has a vertical clearance of 50 feet above mean high water in the closed to navigation position and 135 feet above mean high water in the open to navigation position. Navigation on the waterway consists of tugs with tows, including crane barges, commercial fishing vessels, sailing vessels and other recreational craft. The Louisiana Department of Transportation and Development has requested a temporary deviation from the normal operation of the bridge so that the contractor can conduct a continuous concrete pour operation at the U.S. Department of Energy Storage Site at Hackberry, Louisiana. This operation will require that approximately 35 cement trucks deliver pre-mixed concrete to the site on a perpetual traveling schedule. Delays to vehicular traffic due to drawbridge openings at the SR 27 bridge would jeopardize this time sensitive procedure.

Presently, the draw is required to open on signal if at least four hours' notice is given. This deviation allows the draw to remain closed to navigation between the hours of 3 a.m. and 11 a.m. on September 6, 1997.

Dated: August 26, 1997.

T.W. Josiah,

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

[FR Doc. 97–23517 Filed 9–4–97; 8:45 am]

BILLING CODE 4910–14–M

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 52

[MO 034–1034(a); FRL–5886–3]

Approval and Promulgation of Implementation Plans; State of Missouri

AGENCY: Environmental Protection Agency (EPA).

ACTION: Direct final rule.

SUMMARY: This action approves revisions in the Missouri state rules regarding conformity requirements in Kansas City and St. Louis. These changes are made to incorporate amendments in the Federal transportation conformity rule effective on November 14, 1995.

DATES: This action is effective November 4, 1997, unless, by October 6, 1997, adverse or critical comments are received.

ADDRESSES: Copies of the documents relevant to this action are available for public inspection during normal business hours at the: Environmental Protection Agency, Air Planning and Development Branch, 726 Minnesota Avenue, Kansas City, Kansas 66101; and the EPA Air & Radiation Docket and Information Center, 401 M Street, SW., Washington, DC 20460.

FOR FURTHER INFORMATION CONTACT: Christopher D. Hess at (913) 551–7213.

SUPPLEMENTARY INFORMATION:

I. Background

On November 14, 1995, the EPA published a set of amendments to the Federal rule on transportation conformity contained in 40 CFR 51.390–464 (subpart T). The state of Missouri has adopted changes in 10 CSR 10–2.390 (for Kansas City) and 10 CSR 10–5.480 (for St. Louis) in order to parallel and incorporate the Federal revisions. These revisions were submitted to the EPA in letters dated January 10, 1997, and February 2, 1997, for the areas of Kansas City and St. Louis, respectively.

These submissions were deemed complete in letters to the state dated February 25, 1997, and March 5, 1997. The state provided evidence of the lawful adoption of regulations, public notice, and public hearing requirements.

Both state rules were submitted to EPA for review on July 3, 1996. The EPA requested two minor revisions in a letter dated July 23, 1996, which the state made prior to adoption of both rules on July 25, 1996. The rules became effective on December 30, 1996.

II. Analysis

The state has essentially adopted the November 14, 1995, amendments to the transportation conformity rule in their entirety, while organizing the respective rules into the established state regulatory structure and numbering system. Some minor differences between the Federal and state rule exist, such as the state's inclusion of a definition for ''consultation'' and specifying the metropolitan planning organizations in the Kansas City and St. Louis area.

The respective rules for Kansas City (an ozone maintenance area) and St. Louis (an ozone and carbon monoxide (CO) nonattainment area) are nearly identical to one another and to the requirements of the Federal rule, except where the St. Louis rules include definitions and procedures for a CO nonattainment area, which is not required in the Kansas City rules. For an explanation of the specific changes in the state's rule to meet Federal requirements, the reader may request the ''Technical Support Document (TSD) for a Revision to the Missouri State Implementation Plan (SIP),'' dated July 25, 1997. The revisions are appropriate, required, and fully approvable by the EPA.

III. Final Action

The EPA is approving revisions submitted on January 10, 1997, and February 2, 1997, which meet the requirements of the transportation conformity amendments dated November 14, 1995. This meets the Federal requirements set forth in 40 CFR 51, subpart T.

The EPA is publishing this action without prior proposal because the Agency views this as a noncontroversial amendment and anticipates no adverse comments. However, in a separate document in this **Federal Register** publication, the EPA is proposing to

approve the SIP revision should adverse or critical comments be filed. This action is effective November 4, 1997, unless, by October 6, 1997, adverse or critical comments are received.

If the EPA receives such comments, this action will be withdrawn before the effective date by publishing a subsequent document that will withdraw the final action. All public comments received will then be addressed in a subsequent final rule based on this action serving as a proposed rule. The EPA will not institute a second comment period on this action. Any parties interested in commenting on this action should do so at this time. If no such comments are received, the public is advised that this action is effective November 4, 1997.

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

IV. Administrative Requirements

A. Executive Order 12866

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

B. Regulatory Flexibility Act

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

SIP approvals under section 110 and subchapter I, Part D of the CAA do not create any new requirements but simply approve requirements that the state is already imposing. Therefore, because the Federal SIP approval does not impose any new requirements, the Administrator certifies that it does not have a significant impact on any small entities affected. Moreover, due to the nature of the Federal-state relationship under the CAA, preparation of a regulatory flexibility analysis would constitute Federal inquiry into the economic reasonableness of state action. The CAA forbids the EPA to base its actions concerning SIPs on such grounds (*Union Electric Co.* v. *U.S. E.P.A.*, 427 U.S. 246, 256–66 (S.Ct. 1976); 42 U.S.C. 7410(a)(2)).

C. Unfunded Mandates

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

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

D. Submission to Congress and the General Accounting Office

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

E. Petitions for Judicial Review

Under section 307(b)(1) of the CAA, petitions for judicial review of this action must be filed in the United States Court of Appeals for the appropriate circuit by November 4, 1997. Filing a petition for reconsideration by the Administrator of this final rule does not affect the finality of this rule for the purposes of judicial review, nor does it extend the time within which a petition for judicial review may be filed, and shall not postpone the effectiveness of such rule or action. This action may not be challenged later in proceedings to enforce its requirements. (See section 307(b)(2).)

List of Subjects in 40 CFR Part 52

Environmental protection, Air pollution control, Carbon monoxide, Hydrocarbons, Incorporation by reference, Intergovernmental relations, Lead, Nitrogen dioxide, Ozone, Particulate matter, Reporting and recordkeeping requirements, Sulfur oxides, Volatile organic compounds.

Dated: August 15, 1997.

William Rice,

Acting Regional Administrator.

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

PART 52—[AMENDED]

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

Authority: 42 U.S.C. 7401–7671q.

Subpart AA—Missouri

2. Section 52.1320 is amended by adding paragraph (c)(101) to read as follows:

§ 52.1320 Identification of plan.

* * * * *

(c) * * *

(101) On January 10, 1997, and February 2, 1997, the Missouri Department of Natural Resources submitted revised rules pertaining to transportation conformity.

(i) Incorporation by reference.

(A) Regulation 10 CSR 10–2.390, entitled Conformity to State Implementation Plans of Transportation Plans, Programs, and Projects Developed, Funded or Approved Under Title 23 U.S.C. or the Federal Transit Act, effective December 30, 1996.

(B) Regulation 10 CSR 10–5.480, entitled Conformity to State Implementation Plans of Transportation Plans, Programs, and Projects Developed, Funded or Approved Under Title 23 U.S.C. or the Federal Transit Act, effective December 30, 1996.

3. Section 52.1323 is amended by adding paragraph (k) to read as follows:

§ 52.1323 Approval Status.

* * * * *

(k) The state of Missouri revised 10 CSR 10–2.390 for Kansas City and 10 CSR 10–5.480 for St. Louis to update the transportation conformity requirements contained in 40 CFR Part 51, Subpart T, effective November 14, 1995.

[FR Doc. 97–23452 Filed 9–4–97; 8:45 am]

BILLING CODE 6560–50–P

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 180

[OPP–300546; FRL–5741–3]

RIN 2070–AB78

Glutamic Acid; Pesticide Tolerance Exemption

AGENCY: Environmental Protection Agency (EPA).

ACTION: Final rule.

SUMMARY: This rule establishes a temporary exemption from the requirement of a tolerance for residues of the biochemical glutamic acid, when used to enhance the growth, vegetable quality, and yield of the following crops: broccoli, cabbage, cauliflower, cotton, green peppers, lettuce, peanuts, potatoes, snap beans, spinach, and tomatoes.

DATES: This regulation is effective September 5, 1997. Objections and requests for hearings must be received by EPA on or before November 4, 1997.

ADDRESSES: Written objections and hearing requests, identified by the docket control number [OPP–300546], must be submitted to: Hearing Clerk (1900), Environmental Protection Agency, Rm. M3708, 401 M St., SW., Washington, DC 20460. Fees accompanying objections and hearing requests shall be labeled ''Tolerance Petition Fees'' and forwarded to: EPA Headquarters Accounting Operations Branch, OPP (Tolerance Fees), P.O. Box 360277M, Pittsburgh, PA 15251. A copy of any objections and hearing requests filed with the Hearing Clerk identified by the docket control number, [OPP–300546], must also be submitted to: Public Information and Records Integrity Branch, Information Resources and Services Division (7506C), Office of Pesticide Programs, Environmental Protection Agency, 401 M St., SW., Washington, DC 20460. In person, bring a copy of objections and hearing requests to Rm. 1132, CM #2, 1921 Jefferson Davis Hwy., Arlington, VA.

A copy of objections and hearing requests filed with the Hearing Clerk may be submitted electronically by sending electronic mail (e-mail) to: opp-docket@epamail.epa.gov. Copies of electronic objections and hearing requests must be submitted as an ASCII file avoiding the use of special characters and any form of encryption. Copies of electronic objections and hearing requests will also be accepted on disks in WordPerfect 5.1 file format or ASCII file format. All copies of electronic objections and hearing requests must be identified by the docket number [OPP–300546]. No Confidential Business Information (CBI) should be submitted through e-mail. Copies of electronic objections and hearing requests on this rule may be filed online at many Federal Depository Libraries.

FOR FURTHER INFORMATION CONTACT: By mail: Edward Allen, Regulatory Action Leader, Biopesticides and Pollution Prevention Division (7501W), Office of Pesticide Programs, Environmental Protection Agency, 401 M St., SW., Washington, DC 20460, Office location, telephone number, and e-mail: 5th floor, Crystal Station #1, 2800 Crystal Drive, Arlington, VA, telephone: (703) 308–8699; e-mail: allen.edward@epamail.epa.gov.

SUPPLEMENTARY INFORMATION: Auxein Corporation, 3125 Sovereign Drive, Suite B, Lansing, MI 48911 has requested in pesticide petition (PP) 7G4839 the establishment of a temporary exemption from the requirement of a tolerance for residues of the biochemical glutamic acid. A notice of filing (FRL–5728–9) was published in the **Federal Register** (62 FR 36063, July 3, 1997), and the notice announced that the comment period would end on August 4, 1997; no comments were received. This temporary exemption from the requirement of a tolerance will permit the marketing of the above food commodities when treated in accordance with the provisions of experimental use permit (EUP) 70810–EUP–1, which is being issued under the Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA), as amended (Pub. L. 95–396, 92 Stat. 819; 7 U.S.C. 136). The data submitted in the petition and all other relevant material have been evaluated. Following is a summary of EPA's findings regarding this petition as required by section 408(d) of the Federal Food, Drug and Cosmetic Act (FFDCA), 21 U.S.C. 346a, as recently amended by the Food Quality Protection Act (FQPA), Pub. L. 104–170.

I. Summary

A. Proposed Use Practices

The experimental program will be conducted in the states of Alabama, Arizona, California, Florida, Georgia, Idaho, Maine, Michigan, Minnesota, Mississippi, North Carolina, North Dakota, New Jersey, Ohio, Oklahoma, Oregon, Pennsylvania, South Dakota, Texas, Washington, and Wisconsin. Crops to be treated are broccoli, cabbage, cauliflower, cotton, green peppers, lettuce, peanuts, potatoes, snap beans, spinach, and tomatoes. Depending on the crop, application is made at first bloom, first bud or at the 5–6 leaf stage. Subsequent applications, for a maximum of three applications, are at 1– to 3–week intervals. The rate range is 0.125–0.75 pounds (lbs) of formulated product/acre(A) per treatment, not to exceed a maximum of 1.5 lbs/A per growing season. The proposed EUP program would utilize 462 lbs of active ingredients (231 lbs of gamma aminobutyric acid and 231 lbs of glutamic acid) in 793 lbs of formulated product. A total of 822 lbs of formulated product will be shipped. A maximum of 790 acres will be treated under this EUP. The experimental program is intended for evaluation of plant growth, yield and vegetable quality.

B. Product Identity/Chemistry

Glutamic acid is an amino acid found in microorganisms, tissues of animals, all food, and higher plants as free amino acid or bound in protein. Glutamic acid is a white, practically odorless, free flowing crystalline powder. It is slightly soluble in water, forming acidic solutions. The pH of a saturated solution is about 3.22. The specific gravity for glutamic acid is 1.538 @ 20/4 C and the decomposition point is 175° C @ 10 millimeters (mm) mercury (Hg).

II. Toxicological Profile

Glutamic acid is highly regulated in man and other organisms, the mechanisms of which are well understood. Glutamate has been administered to numerous species in long term dietary studies without adverse effects. The end-use product containing glutamic acid, AuxiGro WP, has been evaluated for acute toxicity. Acute oral toxicity in rats is greater than 5,050 milligram (mg)/kilogram (kg) (Toxicity Category IV). Acute dermal toxicity in rabbits is greater than 5,050 mg/kg (Toxicity Category IV). In an eye irritation study, all signs of irritation cleared within 24 hours (washed eyes) following administration of AuxiGro (Toxicity Category IV); in unwashed eyes, irritation cleared in 5/6 rabbits within 24 hours. Irritation cleared within 48 hours in the remaining rabbit. A rabbit dermal irritation study with AuxiGro resulted in limited signs of irritation that cleared within 24 hours (Toxicity Category IV). There was no indication of dermal sensitization in a guinea pig dermal sensitization study.

Waivers were requested for genotoxicity, reproductive and developmental toxicity, subchronic toxicity, chronic toxicity, and acute toxicity to nontarget species. Waivers were accepted based on glutamic acid's natural occurrence, long history of food

uses, favorable toxicological profile in chronic toxicology studies, and inconsequential exposure resulting from label-directed use rates.

A. Aggregate Exposure

In examining aggregate exposure, FQPA directs EPA to consider available information concerning exposures from the pesticide residue in food and all other non-occupational exposures. The primary non-food sources of exposure the Agency considers include drinking water or groundwater, and exposure through pesticide use in gardens, lawns, or buildings (residential and other indoor uses).

1. *Dietary exposure*. Dietary exposure due to topical applications of glutamic is difficult to estimate because of its prevalence in nature; applications associated with the EUP would be minuscule compared to levels found in nature. Glutamic acid in the environment is readily utilized by microorganisms. Furthermore, glutamic acid is presently consumed by humans in the form of glutamate in relatively high quantities. The low toxicity, low application rate, and the use pattern leads the Agency to conclude that residues from use of the biochemical glutamic acid will not pose a dietary risk of concern under reasonable foreseeable circumstances. Therefore, EPA concludes that there is a reasonable certainty of no harm from aggregate exposure under this temporary exemption.

2. *Non-dietary, non-occupational exposure*. Increased non-dietary exposure to glutamic acid via lawn care, topical insect repellents, etc., is not applicable to this EUP.

B. Cumulative Exposure

Glutamic acid is ubiquitous in nature. Incremental exposure resulting from this EUP program are miniscule when compared to the high levels of glutamic found naturally occuring in food.

C. Endocrine Disruptors

The Agency has no information to suggest that glutamic acid will adversely affect the immune or endocrine systems. The Agency is not requiring information on the endocrine effects of this biochemical pesticide at this time; Congress has allowed 3 years (yrs) after August 3, 1996, for the Agency to implement a screening program with respect to endocrine effects.

D. Safety Considerations

Glutamic acid is ubiquitous in nature and is found in microorganisms, lower- and higher-plant species, fish, birds, insects, mammals and natural and processed foods. It is the most prevalent amino acid in plant and animal proteins. Worldwide production of glutamic acid is over 340,000 tons/yr. Many items in the human daily diet contain appreciable quantities of free glutamic acid. For example, ripe tomatoes, mushrooms, peas, corn, potatoes, squash, cheese, eggs, poultry and meat provide from 20 to 150 mg of glutamic acid per 100 gram (g) serving. Daily consumption for a 70 kg individual of glutamate has been previously reported to be 10.4 g per day, based on an intake of 100 g of protein/day.

Glutamic acid is listed as Generally Recognized as Safe (GRAS) for use as a direct food additive by the Food and Drug Administration (FDA) and is cleared by the EPA for use as an inert ingredient in certain pesticide products. Condensed, extracted fermentation glutamic acid is approved by the FDA for use in animal feed.

Incremental exposure resulting from this EUP is miniscule compared to levels of glutamic acid consumed from natural and processed food products. Considering the negligible contributions to the environment resulting from the application of AuxiGro, the abundance and role of glutamic acid in foods and in the human body, and the prevalence of glutamic acid in nature, the Agency concludes that application of glutamic acid to the aforementioned vegetable crops does not pose a dietary risk.

E. Analytical Method

An analytical method using High Performance Liquid Chromatography (HPLC) for determining glutamic acid content in AuxiGro, the end-use product, is available; however, because this amino acid is found naturally in plants, the Agency has determined that residue analysis would not yield meaningful results, i.e., the analysis would not discern whether the glutamic acid source was the plant or the product treatment.

F. Codex Maximum Residue Level

There are no CODEX tolerances or international tolerance exemptions for glutamic acid at this time. Glutamic acid is presently listed as exempt from tolerances under 40 CFR 180.1001 when used as a plant nutrient for seed treatment.

G. Conclusion

Based on its abundance in nature and long history of use by humans without deleterious effects, there is reasonable certainty that no harm will result from aggregate exposure to the U. S. population, including infants and children, to residues of glutamic acid. This includes all anticipated dietary exposures and all other exposures for which there is reliable information. The Agency has arrived at this conclusion because, as discussed above, exposure to glutamic acid resulting from the EUP label-directed use is inconsequential, and it is consumed daily by the human population from both naturally occurring sources and from processed foods. As a result, EPA establishes a temporary exemption from the requirement of a tolerance pursuant to FFDCA section 408(j)(3) for glutamic acid, on the condition that it be used in accordance with the experimental use permit 70810–EUP–1, with the following provisions:

The total amount of the active ingredients to be used must not exceed the quantity authorized by the EUP.

Auxein Corporation must immediately notify the EPA of any findings from the experimental use that have a bearing on safety. The company must also keep records of product, distribution, and performance and on request make the records available to any authorized officer or employee of the EPA or the Food and Drug Administration (FDA).

This temporary exemption from the requirement of a tolerance expires and is revoked August 27, 1998. Residues remaining in or on the raw agricultural commodity after this expiration date will not be considered actionable if the biochemical is legally applied during the term of, and in accordance with, the provisions of the EUP and temporary exemption from the requirement of a tolerance. This temporary exemption from the requirement of a tolerance may be revoked if the EUP is revoked or if any experience with or scientific data on this biochemical indicate that the tolerance exemption is not safe.

III. Objections and Hearing Requests

The new FFDCA section 408(g) provides essentially the same process for persons to ''object'' to a tolerance exemption regulation issued by EPA under new FFDCA section 408(e) as was provided in the old FFDCA section 408. However, the period for filing objections is 60 days, rather than 30 days. EPA currently has procedural regulations which govern the submission of objections and hearing requests. These regulations will require some modification to reflect the new law. However, until those modifications can be made, EPA will continue to use those procedural regulations with appropriate adjustments to reflect the new law.

Any person adversely affected by this regulation may within 60 days after

publication of this document in the **Federal Register** file written objections to the regulation and may also request a hearing on those objections. Objections and hearing requests must be filed with the Hearing Clerk, at the address given under ''ADDRESSES'' at the beginning of this rule (40 CFR 178.20). A copy of the objections and/or hearing requests filed with the Hearing Clerk should be submitted to the OPP Docket for this rulemaking. The objections submitted must specify the provisions of the regulation deemed objectionable and the grounds for the objections (40 CFR 178.25). Each objection must be accompanied by the fee prescribed by 40 CFR 180.33(i). If a hearing is requested, the objections must include a statement of the factual issue(s) on which a hearing is requested, the requestor's contentions on such issues, and a summary of any evidence relied upon by the objector (40 CFR 178.27). A request for a hearing will be granted if the Administrator determines that the material submitted shows the following: There is genuine and substantial issue of fact; there is reasonable possibility that available evidence identified by the requestor would, if established, resolve one or more of such issues in favor of the requestor, taking into account uncontested claims or facts to the contrary; and resolution of the factual issue(s) in the manner sought by the requestor would be adequate to justify the action requested (40 CFR 178.32). Information submitted in connection with an objection or hearing request may be claimed confidential by marking any part or all of that information as ''Confidential Business Information'' (CBI). Information so marked will not be disclosed except in accordance with procedures set forth in 40 CFR part 2. A copy of the information that does not contain CBI must be submitted for inclusion in the public record. Information not marked confidential may be disclosed publicly by EPA without prior notice.

IV. Public Record

A record has been established for this rulemaking under the docket control number [OPP–300546] (including any comments and data submitted electronically). A public version of this record, including printed, paper versions of electronic comments, which does not include any information claimed as CBI, is available for inspection from 8:30 a.m. to 4 p.m., Monday through Friday, excluding legal holidays. The public record is located in Room 1132 of the Public Information and Records Integrity Branch, Information Resources and Services Division (7506C), Office of Pesticide Programs, Environmental Protection Agency, Crystal Mall #2, 1921 Jefferson Davis Highway, Arlington, VA.

Electronic comments can be sent directly to EPA at:

opp-docket@epamail.epa.gov.

Electronic comments must be submitted as an ASCII file avoiding the use of special characters and any form of encryption.

The official record for this rulemaking, as well as the public version, as described above will be kept in paper form. Accordingly, EPA will transfer any copies of objections and hearing requests received electronically into printed, paper form as they are received and will place the paper copies in the official rulemaking record which will also include all comments submitted directly in writing. The official rulemaking record is the paper record maintained at the address in ''ADDRESSES'' at the beginning of this rule.

V. Regulatory Assessment Requirements

This final rule establishes an exemption from the tolerance requirement under FFDCA section 408(d) in response to a petition submitted to the Agency. The Office of Management and Budget (OMB) has exempted these types of actions from review under Executive Order 12866, entitled Regulatory Planning and Review (58 FR 51735, October 4, 1993). This final rule does not contain any information collections subject to OMB approval under the Paperwork Reduction Act (PRA), 44 U.S.C. 3501 et seq., or impose any enforceable duty or contain any unfunded mandate as described under Title II of the Unfunded Mandates Reform Act of 1995 (UMRA) (Pub. L. 104–4). Nor does it require any prior consultation as specified by Executive Order 12875, entitled Enhancing the Intergovernmental Partnership (58 FR 58093, October 28, 1993), or special considerations as required by Executive Order 12898, entitled Federal Actions to Address Environmental Justice in Minority Populations and Low-Income Populations (59 FR 7629, February 16, 1994), or require OMB review in accordance with Executive Order 13045, entitled Protection of Children from Environmental Health Risks and Safety Risks (62 FR 19885, April 23, 1997).

In addition, since tolerances and exemptions that are established on the basis of a petition under FFDCA section 408(d), such as the exemption in this final rule, do not require the issuance of a proposed rule, the requirements of the Regulatory Flexibility Act (RFA) (5 U.S.C. 601 et seq.) do not apply. Nevertheless, the Agency previously assessed whether establishing tolerances, exemptions from tolerances, raising tolerance levels or expanding exemptions might adversely impact small entities and concluded, as a generic matter, that there is no adverse economic impact. The factual basis for the Agency's generic certification for tolerance actions published on May 4, 1981 (46 FR 24950), and was provided to the Chief Counsel for Advocacy of the Small Business Administration.

VI. Submission to Congress and the General Accounting Office

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

List of Subjects in 40 CFR Part 180

Environmental protection, Administrative practice and procedure, Agricultural commodities, Pesticides and pests, Reporting and recordkeeping requirements.

Dated:August 27, 1997.

Daniel M. Barolo,

Director, Office of Pesticide Programs.

Therefore, 40 CFR chapter I is amended as follows:

PART 180—[AMENDED]

1. The authority citation for part 180 continues to read as follows:

Authority: 21 U.S.C. 346a and 371.

2. Section 180.1187 is added to subpart D to read as follows:

§ 180.1187 Glutamic acid; exemption from the requirement of a tolerance.

The biochemical glutamic acid is temporarily exempted from the requirement of a tolerance for residues when used on crops including: snap beans, peanuts, cotton, potatoes, tomatoes, lettuce, green peppers, spinach, broccoli, cauliflower, and cabbage to enhance crop yields. This temporary exemption from the requirement of a tolerance will permit the marketing of the food commodities in this paragraph when treated in accordance with the provisions of

experimental use permit 70810–EUP–1, which is being issued under the Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA), as amended (7 U.S.C. 136). This temporary exemption from the requirement of a tolerance expires and is revoked August 27, 1998. This temporary exemption from the requirement of a tolerance may be revoked at any time if the EUP is revoked or if any experience with or scientific data on this pesticide indicate that the tolerance is not safe.

[FR Doc. 97–23629 Filed 9–4–97; 8:45 am]
BILLING CODE 6560–50–P

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 180

[OPP–300547; FRL–5741–4]

RIN 2070–AB78

Gamma Aminobutyric Acid; Pesticide Tolerance Exemption

AGENCY: Environmental Protection Agency (EPA).
ACTION: Final rule.

SUMMARY: This rule establishes a temporary exemption from the requirement of a tolerance for residues of the biochemical gamma aminobutyric acid when used to increase yields of the following crops: snap beans, peanuts, cotton, potatoes, tomatoes, lettuce, green peppers, spinach, broccoli, cauliflower, and cabbage.

DATES: This regulation is effective September 5, 1997. Objections and requests for hearings must be received by EPA on or before November 4, 1997.

ADDRESSES: Written objections and hearing requests, identified by the docket control number [OPP–300547], must be submitted to: Hearing Clerk (1900), Environmental Protection Agency, Rm. M3708, 401 M St., SW., Washington, DC 20460. Fees accompanying objections and hearing requests shall be labeled ''Tolerance Petition Fees'' and forwarded to: EPA Headquarters Accounting Operations Branch, OPP (Tolerance Fees), P.O. Box 360277M, Pittsburgh, PA 15251. A copy of any objections and hearing requests filed with the Hearing Clerk identified by the docket control number, [OPP–300547], must also be submitted to: Public Information and Records Integrity Branch, Information Resources and Services Division (7506C), Office of Pesticide Programs, Environmental Protection Agency, 401 M St., SW., Washington, DC 20460. In person, bring a copy of objections and hearing requests to Rm. 1132, CM #2, 1921 Jefferson Davis Hwy., Arlington, VA.

A copy of objections and hearing requests filed with the Hearing Clerk may be submitted electronically by sending electronic mail (e-mail) to: opp-docket@epamail.epa.gov. Copies of electronic objections and hearing requests must be submitted as an ASCII file avoiding the use of special characters and any form of encryption. Copies of electronic objections and hearing requests will also be accepted on disks in WordPerfect 5.1 file format or ASCII file format. All copies of electronic objections and hearing requests must be identified by the docket number [OPP–300547]. No Confidential Business Information (CBI) should be submitted through e-mail. Copies of electronic objections and hearing requests on this rule may be filed online at many Federal Depository Libraries.

FOR FURTHER INFORMATION CONTACT: By mail: Edward Allen, Regulatory Action Leader, Biopesticides and Pollution Prevention Division (7501W), Office of Pesticide Programs, Environmental Protection Agency, 401 M St., SW., Washington, DC 20460, Office location, telephone number, and e-mail: 5th floor CS 1, 2800 Crystal Drive, Arlington, VA, telephone: (703) 308–8699; e-mail: allen.edward@epamail.epa.gov.

SUPPLEMENTARY INFORMATION: Auxein Corporation, 3125 Sovereign Drive, Suite B, Lansing, MI 48911 has requested in pesticide petition # 7G4838 the establishment of a temporary exemption from the requirement of a tolerance for residues of the biochemical gamma aminobutyric acid (GABA). A notice of filing was published in the **Federal Register** on July 3, 1997 (62 FR 36063)(FRL–5728–9), and the notice announced that the comment period would end on August 4, 1997; no comments were received. This temporary exemption from the requirement of a tolerance will permit the marketing of the above food commodities when treated in accordance with the provisions of experimental use permit 70810–EUP–1, which is being issued under the Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA), as amended (Pub. L. 95–396, 92 Stat. 819; 7 U.S.C. 136). The data submitted in the petition and all other relevant material have been evaluated. Following is a summary of EPA's findings regarding this petition as required by section 408(d) of the Federal Food, Drug and Cosmetic Act (FFDCA), 21 U.S.C. 346a, as recently amended by the Food Quality Protection Act (FQPA), Pub. L. 104–170.

I. Summary

A. Proposed Use Practices

The experimental program will be conducted in the states of Alabama, Arizona, California, Florida, Georgia, Idaho, Maine, Michigan, Minnesota, Mississippi, North Carolina, North Dakota, New Jersey, Ohio, Oklahoma, Oregon, Pennsylvania, South Dakota, Texas, Washington, and Wisconsin. Crops to be treated are snap beans, peanuts, cotton, potatoes, tomatoes, lettuce, green peppers, spinach, broccoli, cauliflower, and cabbage. Depending on the crop, application is made at first bloom, first bud or at the 5-6 leaf stage. Subsequent applications, for a maximum of three applications, are at 1– to 3–week intervals. The rate range is 0.125–0.75 pounds of formulated product/acre per treatment not to exceed a maximum of 1.5 lbs/A per growing season. The proposed EUP program would utilize 462 pounds of active ingredients (231 pounds of gamma aminobutyric acid and 231 pounds of glutamic acid) in 793 pounds of formulated product. A total of 822 pounds of formulated product will be shipped. A maximum of 790 acres will be treated under this EUP. The experimental program is intended for evaluation of plant growth, yield and vegetable quality.

B. Product Identity/Chemistry

GABA is a non-protein amino acid that is ubiquitous in nature. It has been found in microorganisms, lower and higher plants, fish, birds, insects, and mammals. GABA is a white, crystalline powder with a pH of 6.5 to 7.5. It is freely soluble in water, but insoluble or poorly soluble in other solvents. The melting point for GABA is 202° C on rapid heating.

II. Toxicological Profile

GABA is a ubiquitous non-protein amino acid present in all living things. It is an inhibitory neurotransmitter in many brain regions and central nervous systems of mammals. Due to GABA's role in the nervous system, it has been administered to humans with the aim of improving central GABA-mediated transmission and to control Huntington's disease, Parkinson's disease, schizophrenia and other seizure states. AuxiGro, the end-use formula containing 29.2% GABA, has been studied for acute toxicity. Acute oral toxicity of AuxiGro in rats is greater than 5,050 mg/kg (Toxicity Category IV). Acute dermal toxicity in rabbits is greater than 5,050 mg/kg (Toxicity Category IV). In an eye irritation study, all signs of irritation cleared within 24

hours (washed eyes) following administration of AuxiGro (Toxicity Category IV); in unwashed eyes, irritation cleared in 5/6 rabbits within 24 hours. Irritation cleared within 48 hours in the remaining rabbit. A rabbit dermal irritation study with AuxiGro resulted in limited signs of irritation that cleared within 24 hours (Toxicity Category IV). There was no indication of dermal sensitization in a guinea pig dermal sensitization study.

Waivers were requested for genotoxicity, reproductive and developmental toxicity, subchronic toxicity, chronic toxicity, and acute toxicity to nontarget species. Waivers were accepted based on GABA's natural occurrence, use as a pharmaceutical agent, favorable toxicological profile in chronic toxicology studies, and inconsequential exposure resulting from label-directed uses.

A. Aggregate Exposure

In examining aggregate exposure, FQPA directs EPA to consider available information concerning exposures from the pesticide residue in food and all other non-occupational exposures. The primary non-food sources of exposure the Agency considers include drinking water or groundwater, and exposure through pesticide use in gardens, lawns, or buildings (residential and other indoor uses).

1. *Dietary exposure.* Dietary exposure due to topical applications of GABA is difficult to estimate because of its prevalence in nature; applications associated with the EUP would be comparable to levels found in nature. GABA in the environment is readily utilized by microorganisms. The low toxicity, low application rate, and the use pattern leads the Agency to conclude that residues from use of GABA will not pose a dietary risk of concern under reasonable foreseeable circumstances. Therefore, EPA concludes that there is a reasonable certainty of no harm from aggregate exposure under this temporary exemption.

2. *Non-dietary, non-occupational exposure.* Increased non-dietary exposure to GABA via lawn care, topical insect repellents, etc., is not applicable to this EUP.

B. Cumulative Exposure

GABA is ubiquitous in nature. Incremental exposure resulting from this EUP program are miniscule when compared to the levels found naturally-occuring in food.

C. Endocrine Disruptors

The Agency has no information to suggest that GABA will adversely affect the immune or endocrine systems. The Agency is not requiring information on the endocrine effects of this biochemical pesticide at this time; Congress has allowed 3 years after August 3, 1996, for the Agency to implement a screening program with respect to endocrine effects.

D. Safety Considerations

GABA is naturally-occurring in food and is a pharmaceutical agent. Incremental exposure to GABA resulting from this EUP is miniscule. Considering the negligible contributions to the environment resulting from the application of AuxiGro, the abundance and role of GABA in foods and in the human body, and its prevalence in nature, the Agency concludes that application of GABA to the aforementioned vegetable crops does not pose a dietary risk.

E. Analytical Method

An analytical method using High Performance Liquid Chromatography (HPLC) for determining the GABA content in AuxiGro, the end-use product, is available; however, because this amino acid is found naturally in plants, the Agency has determined that residue analysis would not yield meaningful results, i.e., the analysis would not discern whether the source of GABA was the plant or the product treatment.

F. Codex Maximum Residue Level

There are no CODEX tolerances or international tolerance exemptions for GABA at this time.

G. Conclusion

Based on its abundance in nature and long history of use by humans without deleterious effects, there is reasonable certainty that no harm will result from aggregate exposure to the U.S. population, including infants and children, to residues of GABA. This includes all anticipated dietary exposures and all other exposures for which there is reliable information. The Agency has arrived at this conclusion because, as discussed above, exposure to GABA resulting from the EUP label-directed use is inconsequential, and it is consumed daily by the human population from both naturally-occurring sources and from processed foods. As a result, EPA establishes a temporary exemption from the requirement of a tolerance pursuant to FFDCA section 408(j)(3) for GABA, on the condition that it be used in accordance with the experimental use permit 70810–EUP–1, with the following provisions:

The total amount of the active ingredients to be used must not exceed the quantity authorized by the experimental use permits.

Auxein Corporation must immediately notify the EPA of any findings from the experimental use that have a bearing on safety. The company must also keep records of product, distribution, and performance and on request make the records available to any authorized officer or employee of the EPA or the Food and Drug Administration (FDA).

This temporary exemption from the requirement of a tolerance expires and is revoked August 27, 1998. Residues remaining in or on the raw agricultural commodity after this expiration date will not be considered actionable if the biochemical is legally applied during the term of, and in accordance with, the provisions of the experimental use permit and temporary exemption from the requirement of a tolerance. This temporary exemption from the requirement of a tolerance may be revoked if the experimental use permit is revoked or if any experience with or scientific data on this biochemical indicate that the tolerance exempton is not safe.

III. Objections and Hearing Requests

The new FFDCA section 408(g) provides essentially the same process for persons to ''object'' to a tolerance exemption regulation issued by EPA under new section 408(e) as was provided in the old section 408. However, the period for filing objections is 60 days, rather than 30 days. EPA currently has procedural regulations which govern the submission of objections and hearing requests. These regulations will require some modification to reflect the new law. However, until those modifications can be made, EPA will continue to use those procedural regulations with appropriate adjustments to reflect the new law.

Any person adversely affected by this regulation may within 60 days after publication of this document in the **Federal Register** file written objections to the regulation and may also request a hearing on those objecitons. Objections and hearing requests must be filed with the Hearing Clerk, at the address given under ''ADDRESSES'' at the beginning of this rule (40 CFR 178.20). A copy of the objections and/or hearing requests filed with the Hearing Clerk should be submitted to the OPP Docket for this rulemaking. The objections submitted must specify the

provisions of the regulation deemed objectionable and the grounds for the objections (40 CFR 178.25). Each objection must be accompanied by the fee prescribed by 40 CFR 180.33(i). If a hearing is requested, the objections must include a statement of the factual issue(s) on which a hearing is requested, the requestor's contentions on such issues, and a summary of any evidence relied upon by the objector (40 CFR 178.27). A request for a hearing will be granted if the Administrator determines that the material submitted shows the following: There is genuine and substantial issue of fact; there is reasonable possibility that available evidence identified by the requestor would, if established, resolve one or more of such issues in favor of the requestor, taking into account uncontested claims or facts to the contrary; and resolution of the factual issue(s) in the manner sought by the requestor would be adequate to justify the action requested (40 CFR 178.32). Information submitted in connection with an objection or hearing request may be claimed confidential by marking any part or all of that information as ''Confidential Business Information'' (CBI). Information so marked will not be disclosed except in accordance with procedures set forth in 40 CFR part 2. A copy of the information that does not contain CBI must be submitted for inclusion in the public record. Information not marked confidential may be disclosed publicly by EPA without prior notice.

IV. Public Record

A record has been established for this rulemaking under the docket control number [OPP–300547] (including any comments and data submitted electronically). A public version of this record, including printed, paper versions of electronic comments, which does not include any information claimed as CBI, is available for inspection from 8:30 a.m. to 4 p.m., Monday through Friday, excluding legal holidays. The public record is located in Room 1132 of Public Information and Records Integrity Branch, Information Resources and Services Division (7506C), Office of Pesticide Programs, Environmental Protection Agency, Crystal Mall #2, 1921 Jefferson Davis Highway, Arlington, VA.

Electronic comments can be sent directly to EPA at:

opp-docket@epamail.epa.gov.

Electronic comments must be submitted as an ASCII file avoiding the use of special characters and any form of encryption.

The official record for this rulemaking, as well as the public version, as described above will be kept in paper form. Accordingly, EPA will transfer any copies of objections and hearing requests received electronically into printed, paper form as they are received and will place the paper copies in the official rulemaking record which will also include all comments submitted directly in writing. The official rulemaking record is the paper record maintained at the address in ''ADDRESSES'' at the beginning of this rule.

V. Regulatory Assessment Requirements

This final rule establishes an exemption from the tolerance requirement under FFDCA section 408(d) in response to a petition submitted to the Agency. The Office of Management and Budget (OMB) has exempted these types of actions from review under Executive Order 12866, entitled Regulatory Planning and Review (58 FR 51735, October 4, 1993). This final rule does not contain any information collections subject to OMB approval under the Paperwork Reduction Act (PRA), 44 U.S.C. 3501 et seq., or impose any enforceable duty or contain any unfunded mandate as described under Title II of the Unfunded Mandates Reform Act of 1995 (UMRA) (Pub. L. 104–4). Nor does it require any prior consultation as specified by Executive Order 12875, entitled Enhancing the Intergovernmental Partnership (58 FR 58093, October 28, 1993), or special considerations as required by Executive Order 12898, entitled Federal Actions to Address Environmental Justice in Minority Populations and Low-Income Populations (59 FR 7629, February 16, 1994), or require OMB review in accordance with Executive Order 13045, entitled Protection of Children from Environmental Health Risks and Safety Risks (62 FR 19885, April 23, 1997).

In addition, since tolerances and exemptions that are established on the basis of a petition under FFDCA section 408(d), such as the exemption in this final rule, do not require the issuance of a proposed rule, the requirements of the Regulatory Flexibility Act (RFA) (5 U.S.C. 601 et seq.) do not apply. Nevertheless, the Agency previously assessed whether establishing tolerances, exemptions from tolerances, raising tolerance levels or expanding exemptions might adversely impact small entities and concluded, as a generic matter, that there is no adverse economic impact. The factual basis for the Agency's generic certification for tolerance actions published on May 4, 1981 (46 FR 24950), and was provided to the Chief Counsel for Advocacy of the Small Business Administration.

VI. Submission to Congress and the General Accounting Office

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

List of Subjects in 40 CFR Part 180

Environmental protection, Administrative practice and procedure, Agricultural commodities, Pesticides and pests, Reporting and recordkeeping requirements.

Dated: August 27, 1997.

Daniel M. Barolo,

Director, Office of Pesticide Programs.

Therefore, 40 CFR part 180 is amended as follows:

PART 180— [AMENDED]

1. The authority citation for part 180 continues to read as follows:

Authority: 21 U.S.C. 346a and 371.

2. Section 180.1188 is added to subpart D to read as follows:

§ 180.1188 Gamma aminobutyric acid; exemption from the requirement of a tolerance.

The biochemical gamma aminobutyric acid (GABA) is temporarily exempted from the requirement of a tolerance for residues when used on crops including: snap beans, peanuts, cotton, potatoes, tomatoes, lettuce, green peppers, spinach, broccoli, cauliflower, and cabbage to enhance crop yields. This temporary exemption from the requirement of a tolerance will permit the marketing of the food commodities in this paragraph when treated in accordance with the provisions of experimental use permit 70810–EUP–1, which is being issued under the Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA), as amended (7 U.S.C. 136). This temporary exemption from the requirement of a tolerance expires and is revoked August 27, 1998. This temporary exemption from the requirement of a tolerance may be revoked at any time if the experimental use permit is revoked or if any experience with or scientific data on

this pesticide indicate that the tolerance is not safe.

[FR Doc. 97–23628 Filed 9–4–97; 8:45 am]
BILLING CODE 6560–50–F

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 180

[OPP–300535; FRL–5738–8]

RIN 2070–AB78

Triclopyr; Pesticide Tolerances for Emergency Exemptions

AGENCY: Environmental Protection Agency (EPA).

ACTION: Final rule.

SUMMARY: This regulation establishes time-limited tolerances for residues of triclopyr and its 3,5,6-trichloro-2-pyridinol metabolite in or on fish at 0.2 ppm and shellfish at 5.0 ppm. This action is in response to EPA's granting of an emergency exemption under section 18 of the Federal Insecticide, Fungicide, and Rodenticide Act authorizing use of the pesticide on aquatic sites. This regulation establishes a maximum permissible level for residues of triclopyr in these commodities pursuant to section 408(l)(6) of the Federal Food, Drug, and Cosmetic Act, as amended by the Food Quality Protection Act of 1996. These tolerances will expire and are revoked on December 31, 1998.

DATES: This regulation is effective September 5, 1997. Objections and requests for hearings must be received by EPA on or before November 4, 1997.

ADDRESSES: Written objections and hearing requests, identified by the docket control number, [OPP–300535], must be submitted to: Hearing Clerk (1900), Environmental Protection Agency, Rm. M3708, 401 M St., SW., Washington, DC 20460. Fees accompanying objections and hearing requests shall be labeled ''Tolerance Petition Fees'' and forwarded to: EPA Headquarters Accounting Operations Branch, OPP (Tolerance Fees), P.O. Box 360277M, Pittsburgh, PA 15251. A copy of any objections and hearing requests filed with the Hearing Clerk identified by the docket control number, [OPP–300535], must also be submitted to: Public Information and Records Integrity Branch, Information Resources and Services Division (7506C), Office of Pesticide Programs, Environmental Protection Agency, 401 M St., SW., Washington, DC 20460. In person, bring a copy of objections and hearing requests to Rm. 1132, CM #2, 1921 Jefferson Davis Hwy., Arlington, VA.

A copy of objections and hearing requests filed with the Hearing Clerk may also be submitted electronically by sending electronic mail (e-mail) to: opp-docket@epamail.epa.gov. Copies of objections and hearing requests must be submitted as an ASCII file avoiding the use of special characters and any form of encryption. Copies of objections and hearing requests will also be accepted on disks in WordPerfect 5.1 file format or ASCII file format. All copies of objections and hearing requests in electronic form must be identified by the docket control number [OPP–300535]. No Confidential Business Information (CBI) should be submitted through e-mail. Electronic copies of objections and hearing requests on this rule may be filed online at many Federal Depository Libraries.

FOR FURTHER INFORMATION CONTACT: By mail: Olga Odiott, Registration Division 7505C, Office of Pesticide Programs, Environmental Protection Agency, 401 M St., SW., Washington, DC 20460. Office location, telephone number, and e-mail address: Crystal Mall #2, 1921 Jefferson Davis Hwy., Arlington, VA, (703) 308-308-9363, e-mail: odiott.olga@epamail.epa.gov.

SUPPLEMENTARY INFORMATION: EPA, on its own initiative, pursuant to section 408(e) and (l)(6) of the Federal Food, Drug, and Cosmetic Act (FFDCA), 21 U.S.C. 346a(e) and (l)(6), is establishing a time-limited tolerances for residues of the herbicide triclopyr and its metabolite 3,5,6-trichloro-2-pyridinol, in or on fish at 0.2 part per million (ppm) and shellfish at 5.0 ppm. These tolerances will expire and are revoked on December 31, 1998. EPA will publish a document in the **Federal Register** to remove the revoked tolerances from the Code of Federal Regulations.

I. Background and Statutory Authority

The Food Quality Protection Act of 1996 (FQPA) (Pub. L. 104–170) was signed into law August 3, 1996. FQPA amends both the Federal Food, Drug, and Cosmetic Act (FFDCA), 21 U.S.C. 301 *et seq*., and the Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA), 7 U.S.C. 136 *et seq* . The FQPA amendments went into effect immediately. Among other things, FQPA amends FFDCA to bring all EPA pesticide tolerance-setting activities under a new section 408 with a new safety standard and new procedures. These activities are described below and discussed in greater detail in the final rule establishing the time-limited tolerance associated with the emergency exemption for use of propiconazole on sorghum (61 FR 58135, November 13, 1996)(FRL–5572–9).

New section 408(b)(2)(A)(i) of the FFDCA allows EPA to establish a tolerance (the legal limit for a pesticide chemical residue in or on a food) only if EPA determines that the tolerance is ''safe.'' Section 408(b)(2)(A)(ii) defines ''safe'' to mean that ''there is a reasonable certainty that no harm will result from aggregate exposure to the pesticide chemical residue, including all anticipated dietary exposures and all other exposures for which there is reliable information.'' This includes exposure through drinking water and in residential settings, but does not include occupational exposure. Section 408(b)(2)(C) requires EPA to give special consideration to exposure of infants and children to the pesticide chemical residue in establishing a tolerance and to ''ensure that there is a reasonable certainty that no harm will result to infants and children from aggregate exposure to the pesticide chemical residue. . . .''

Section 18 of FIFRA authorizes EPA to exempt any Federal or State agency from any provision of FIFRA, if EPA determines that ''emergency conditions exist which require such exemption.'' This provision was not amended by FQPA. EPA has established regulations governing such emergency exemptions in 40 CFR part 166.

Section 408(l)(6) of the FFDCA requires EPA to establish a time-limited tolerance or exemption from the requirement for a tolerance for pesticide chemical residues in food that will result from the use of a pesticide under an emergency exemption granted by EPA under section 18 of FIFRA. Such tolerances can be established without providing notice or period for public comment.

Because decisions on section 18-related tolerances must proceed before EPA reaches closure on several policy issues relating to interpretation and implementation of the FQPA, EPA does not intend for its actions on such tolerance to set binding precedents for the application of section 408 and the new safety standard to other tolerances and exemptions.

II. Emergency Exemption for Triclopyr on Aquatic Sites and FFDCA Tolerances

The Applicants stated that the Purple loosestrife (*Lythrum salicaria*), an exotic herbaceous perennial, if not controlled, will have significant deleterious effects on the States' wetlands and wildlife. The Purple loosestrife rapidly replaces native vegetation and once established

is very difficult to control. As plant diversity diminishes, wildlife species are displaced from the wetlands due to the loss of food sources and nesting areas. The Purple loosestrife could render the wildlife areas useless for the intended purposes, and the millions of dollars that have been invested by the state and federal goverments would be lost. Use of triclopyr will allow the States to selectively remove the Purple loosestrife without harming desirable species. EPA has authorized under FIFRA section 18 the use of triclopyr on aquatic sites for control of the Purple loosestrife in North Dakota and Minnesota. After having reviewed their submission, EPA concurs that emergency conditions exist for these States.

As part of its assessment of this emergency exemption, EPA assessed the potential risks presented by residues of triclopyr in or on fish and shellfish. In doing so, EPA considered the new safety standard in FFDCA section 408(b)(2), and EPA decided that the necessary tolerances under FFDCA section 408(l)(6) would be consistent with the new safety standard and with FIFRA section 18. Consistent with the need to move quickly on the emergency exemption in order to address an urgent non-routine situation and to ensure that the resulting food is safe and lawful, EPA is issuing these tolerances without notice and opportunity for public comment under section 408(e), as provided in section 408(l)(6). Although these tolerances will expire and are revoked on December 31, 1998, under FFDCA section 408(l)(5), residues of the pesticide not in excess of the amounts specified in the tolerances remaining in or on fish and shellfish after that date will not be unlawful, provided the pesticide is applied in a manner that was lawful under FIFRA. EPA will take action to revoke these tolerances earlier if any experience with, scientific data on, or other relevant information on this pesticide indicate that the residues are not safe.

Because these tolerances are being approved under emergency conditions EPA has not made any decisions about whether triclopyr meets EPA's registration requirements for use on aquatic sites or whether permanent tolerances for this use would be appropriate. Under these circumstances, EPA does not believe that these tolerances serve as a basis for registration of triclopyr by a State for special local needs under FIFRA section 24(c). Nor do these tolerances serve as the basis for any State other than North Dakota and Minnesota to use this pesticide on this crop under section 18 of FIFRA without following all provisions of section 18 as identified in 40 CFR part 166. For additional information regarding the emergency exemption for triclopyr, contact the Agency's Registration Division at the address provided above.

III. Risk Assessment and Statutory Findings

EPA performs a number of analyses to determine the risks from aggregate exposure to pesticide residues. First, EPA determines the toxicity of pesticides based primarily on toxicological studies using laboratory animals. These studies address many adverse health effects, including (but not limited to) reproductive effects, developmental toxicity, toxicity to the nervous system, and carcinogenicity. Second, EPA examines exposure to the pesticide through the diet (e.g., food and drinking water) and through exposures that occur as a result of pesticide use in residential settings.

A. Toxicity

1. *Threshold and non-threshold effects.* For many animal studies, a dose response relationship can be determined, which provides a dose that causes adverse effects (threshold effects) and doses causing no observed effects (the ''no-observed effect level'' or ''NOEL'').

Once a study has been evaluated and the observed effects have been determined to be threshold effects, EPA generally divides the NOEL from the study with the lowest NOEL by an uncertainty factor (usually 100 or more) to determine the Reference Dose (RfD). The RfD is a level at or below which daily aggregate exposure over a lifetime will not pose appreciable risks to human health. An uncertainty factor (sometimes called a ''safety factor'') of 100 is commonly used since it is assumed that people may be up to 10 times more sensitive to pesticides than the test animals, and that one person or subgroup of the population (such as infants and children) could be up to 10 times more sensitive to a pesticide than another. In addition, EPA assesses the potential risks to infants and children based on the weight of the evidence of the toxicology studies and determines whether an additional uncertainty factor is warranted. Thus, an aggregate daily exposure to a pesticide residue at or below the RfD (expressed as 100% or less of the RfD) is generally considered acceptable by EPA. EPA generally uses the RfD to evaluate the chronic risks posed by pesticide exposure. For shorter term risks, EPA calculates a margin of exposure (MOE) by dividing the estimated human exposure into the NOEL from the appropriate animal study. Commonly, EPA finds MOEs lower than 100 to be unacceptable. This 100-fold MOE is based on the same rationale as the 100-fold uncertainty factor.

Lifetime feeding studies in two species of laboratory animals are conducted to screen pesticides for cancer effects. When evidence of increased cancer is noted in these studies, the Agency conducts a weight of the evidence review of all relevant toxicological data including short-term and mutagenicity studies and structure activity relationship. Once a pesticide has been classified as a potential human carcinogen, different types of risk assessments (e.g., linear low dose extrapolations or MOE calculation based on the appropriate NOEL) will be carried out based on the nature of the carcinogenic response and the Agency's knowledge of its mode of action.

2. *Differences in toxic effect due to exposure duration.* The toxicological effects of a pesticide can vary with different exposure durations. EPA considers the entire toxicity data base, and based on the effects seen for different durations and routes of exposure, determines which risk assessments should be done to assure that the public is adequately protected from any pesticide exposure scenario. Both short and long durations of exposure are always considered. Typically, risk assessments include ''acute'', ''short-term'', ''intermediate term'', and ''chronic'' risks. These assessments are defined by the Agency as follows.

Acute risk, by the Agency's definition, results from 1-day consumption of food and water, and reflects toxicity which could be expressed following a single oral exposure to the pesticide residues. High end exposure to food and water residues are typically assumed.

Short-term risk results from exposure to the pesticide for a period of 1-7 days, and therefore overlaps with the acute risk assessment. Historically, this risk assessment was intended to address primarily dermal and inhalation exposure which could result, for example, from residential pesticide applications. However, since enaction of FQPA, this assessment has been expanded to include both dietary and non-dietary sources of exposure, and will typically consider exposure from food, water, and residential uses when reliable data are available. In this assessment, risks from average food and water exposure, and high-end residential exposure, are aggregated. High-end exposures from all 3 sources

are not typically added because of the very low probability of this occurring in most cases, and because the other conservative assumptions built into the assessment assure adequate protection of public health. However, for cases in which high-end exposure can reasonably be expected from multiple sources (e.g. frequent and widespread homeowner use in a specific geographical area), multiple high-end risks will be aggregated and presented as part of the comprehensive risk assessment/characterization. Since the toxicological endpoint considered in this assessment reflects exposure over a period of at least 7 days, an additional degree of conservatism is built into the assessment; i.e., the risk assessment nominally covers 1-7 days exposure, and the toxicological endpoint/NOEL is selected to be adequate for at least 7 days of exposure. (Toxicity results at lower levels when the dosing duration is increased.)

Intermediate-term risk results from exposure for 7 days to several months. This assessment is handled in a manner similar to the short-term risk assessment.

Chronic risk assessment describes risk which could result from several months to a lifetime of exposure. For this assessment, risks are aggregated considering average exposure from all sources for representative population subgroups including infants and children.

B. Aggregate Exposure

In examining aggregate exposure, FFDCA section 408 requires that EPA take into account available and reliable information concerning exposure from the pesticide residue in the food in question, residues in other foods for which there are tolerances, residues in groundwater or surface water that is consumed as drinking water, and other non-occupational exposures through pesticide use in gardens, lawns, or buildings (residential and other indoor uses). Dietary exposure to residues of a pesticide in a food commodity are estimated by multiplying the average daily consumption of the food forms of that commodity by the tolerance level or the anticipated pesticide residue level. The Theoretical Maximum Residue Contribution (TMRC) is an estimate of the level of residues consumed daily if each food item contained pesticide residues equal to the tolerance. In evaluating food exposures, EPA takes into account varying consumption patterns of major identifiable subgroups of consumers, including infants and children.The TMRC is a ''worst case'' estimate since it is based on the assumptions that food contains pesticide residues at the tolerance level and that 100% of the crop is treated by pesticides that have established tolerances. If the TMRC exceeds the RfD or poses a lifetime cancer risk that is greater than approximately one in a million, EPA attempts to derive a more accurate exposure estimate for the pesticide by evaluating additional types of information (anticipated residue data and/or percent of crop treated data) which show, generally, that pesticide residues in most foods when they are eaten are well below established tolerances.

Percent of crop treated estimates are derived from federal and private market survey data. Typically, a range of estimates are supplied and the upper end of this range is assumed for the exposure assessment. By using this upper end estimate of percent of crop treated, the Agency is reasonably certain that exposure is not understated for any significant subpopulation group. Further, regional consumption information is taken into account through EPA's computer-based model for evaluating this pesticide, the most highly exposed population subgroup (non-nursing infants < 1 year old) was not regionally based.

IV. Aggregate Risk Assessment and Determination of Safety

Consistent with section 408(b)(2)(D), EPA has reviewed the available scientific data and other relevant information in support of this action, EPA has sufficient data to assess the hazards of triclopyr and to make a determination on aggregate exposure, consistent with section 408(b)(2), for a time-limited tolerances for residues of triclopyr and its metabolite 3,5,6-trichloro-2-pyridinol in or on fish at 0.2 ppm and shellfish at 5.0 ppm. EPA's assessment of the dietary exposures and risks associated with establishing these tolerances follows.

A. Toxicological Profile

EPA has evaluated the available toxicity data and considered its validity, completeness, and reliability as well as the relationship of the results of the studies to human risk. EPA has also considered available information concerning the variability of the sensitivities of major identifiable subgroups of consumers, including infants and children. The nature of the toxic effects caused by triclopyr are discussed below.

1. *Acute toxicity*. The developmental NOEL of 30 mg/kg/day from a rabbit developmental study was recommended for the acute dietary risk assessment. At the lowest effect level (LEL) of 100 mg/kg/day, there were decreased number of live fetuses, increased fetal deaths, reduced ossification of sternebrae and digital bones, and increased percentage of fetuses with 13 ribs. This risk assessment will evaluate acute dietary risk to pregnant females age 13 and older.

2. *Short - and intermediate - term toxicity*. Based on the available data, the Agency has determined that short- and intermediate-term dermal and inhalation risk assessments are not required. A systemic NOEL of 1,000 mg/kg/day, the highest dose tested, (HDT) was determined in a 21-day dermal toxicity study in rabbits. The LC50 from the acute inhalation study was determined to be ≤ 2.6 mg/L (Toxicity Category IV).

3. *Chronic toxicity*. EPA has established the RfD for triclopyr at 0.05 milligrams/kilogram/day (mg/kg/day). This RfD is based on a reproductive toxicity study in rats with a NOEL of 5 mg/kg/day using an Uncertainty Factor of 100. At the next higher dose level (HDL) of 25 mg/kg/day, an increased incidence of degeneration of the proximal tubules of the kidney was observed in P1 and P2 parents of both sexes. On this basis, the RfD was calculated to be 0.05 mg/kg/day.

4. *Carcinogenicity*. The Agency's Cancer Peer Review Committee (CPRC) concluded that triclopyr should be classified as ''Group D chemical'' - not classifiable as to human carcinogenicity. A cancer risk assessment is not required.

B. Exposures and Risks

1. *From food and feed uses.* Tolerances have been established (40 CFR 180.417) for the residues of triclopyr in or on a variety of raw agricultural commodities. and its metabolites 3,5,6-trichloro-2-pyridinol and 2-methoxy-3,5,6-trichloropyridine, expressed as triclopyr, in or on rice grain (0.3 ppm), rice straw (10.0 ppm), grass forage (500 ppm), and grass hay (500 ppm). Tolerances for triclopyr and the two metabolites have been established for poultry meat, fat, and meat byproducts (except kidney) at 0.1 ppm and eggs at 0.05 ppm. Tolerances for triclopyr and the metabolite 3,5,6-trichloro-2-pyridinol have been established for meat, fat, and meat byproducts (except liver and kidney) of cattle, goats, hogs, horses, and sheep at 0.05 ppm; liver and kidney of cattle, goats, hogs, horses, and sheep at 0.5 ppm; and milk at 0.01 ppm. Risk assessments were conducted by EPA to assess dietary exposures and risks from triclopyr as follows:

i. *Acute exposure and risk.* Acute dietary risk assessments are performed for a food-use pesticide if a toxicological study has indicated the possibility of an effect of concern occurring as a result of a one day or single exposure. The acute dietary (food only) risk assessment assumed tolerance level residues and 100% crop treated values. For pregnant females age 13 years and older, the dietary (food only) MOE was estimated as 2500. This estimate should be viewed as a conservative risk estimate. Refinement of the risk assessment using anticipated residue values and percent crop-treated data would result in a lower acute dietary exposure estimate.

ii. *Chronic exposure and risk.* The chronic dietary risk assessment assumed that 100% of fish and shellfish and all other commodities having triclopyr tolerances will contain triclopyr residues and those residues would be at the level of the tolerance, which result in an overestimate of human dietary exposure. Thus, in making a safety determination for these tolerances, EPA is taking into account this conservative exposure assessment. The existing triclopyr tolerances (published, pending, and including the necessary Section 18 tolerances) result in a TMRC that is equivalent to percentages of the RfD that range from 0. 9% for nursing infants < 1 year old, to 2.6% for non-nursing infants < 1 year old.

2. *From drinking water.* Based on available data used in EPA's assessment of environmental risk, triclopyr is not persistent in water. The degradation product 3,5,6-trichloro-2-pyridinol (TCP) is mobile. There are no established Maximum Contaminant Levels for residues of triclopyr in drinking water. No health advisory levels for triclopyr in drinking water have been established. Triclopyr has been detected in 5 wells out of 379 wells tested in four states. The concentrations ranged from 0.006 to 0.58 ppb. For surface water, at the maximum application rate of 12.12 lbs. a.i./A, the maximum concentration was 364 ppb and the 56-day concentration was 233 ppb.

The drinking water risk assessment was based on surface water exposure, which is considered to represent the worst case scenario in comparison to ground water. The maximum concentration of triclopyr residues (364 ppb) was used to calculate the acute exposures for adult females and children. The 56-day concentration (233 ppb) was used to calculate the chronic exposures for adult females and children. It was assumed that adult females consume 2 liters of water a day and children consume 1 liter of water a day.

i. *Acute exposure and risk.* The exposure for adult females was estimated as 1.2×10^{-2} mg/kg/day. The exposure for children was estimated as 3.6×10^{-2} mg/kg/day. The corresponding MOE values were 2500 for pregnant females and 825 for children. These values do not exceed the Agency's level of concern.

ii. *Chronic exposure and risk.* The chronic exposure was estimated as 7.7×10^{-3} mg/kg/day for adult females and 2.3×10^{-2} mg/kg/day for children. These chronic exposures to triclopyr from drinking water will utilize 15% of the RfD for adult females and 46% of the RfD for children. The Agency concludes that that there is a reasonable certainty that no harm will result from drinking water exposures to triclopyr.

3. *From non-dietary exposure.* Triclopyr is currently registered for use on outdoor non-food sites such as turf and ornamentals. These uses may result in non-occupational exposures. However, the available data indicate no evidence of significant toxicity and a reasonable certainty that no harm will result from non-occupational exposures to triclopyr residues.

4. *Cumulative exposure to substances with common mechanism of toxicity.* Section 408(b)(2)(D)(v) requires that, when considering whether to establish, modify, or revoke a tolerance, the Agency consider ''available information'' concerning the cumulative effects of a particular pesticide's residues and ''other substances that have a common mechanism of toxicity.'' The Agency believes that ''available information'' in this context might include not only toxicity, chemistry, and exposure data, but also scientific policies and methodologies for understanding common mechanisms of toxicity and conducting cumulative risk assessments. For most pesticides, although the Agency has some information in its files that may turn out to be helpful in eventually determining whether a pesticide shares a common mechanism of toxicity with any other substances, EPA does not at this time have the methodologies to resolve the complex scientific issues concerning common mechanism of toxicity in a meaningful way. EPA has begun a pilot process to study this issue further through the examination of particular classes of pesticides. The Agency hopes that the results of this pilot process will increase the Agency's scientific understanding of this question such that EPA will be able to develop and apply scientific principles for better determining which chemicals have a common mechanism of toxicity and evaluating the cumulative effects of such chemicals. The Agency anticipates, however, that even as its understanding of the science of common mechanisms increases, decisions on specific classes of chemicals will be heavily dependent on chemical specific data, much of which may not be presently available.

Although at present the Agency does not know how to apply the information in its files concerning common mechanism issues to most risk assessments, there are pesticides as to which the common mechanism issues can be resolved. These pesticides include pesticides that are toxicologically dissimilar to existing chemical substances (in which case the Agency can conclude that it is unlikely that a pesticide shares a common mechanism of activity with other substances) and pesticides that produce a common toxic metabolite (in which case common mechanism of activity will be assumed).

EPA does not have, at this time, available data to determine whether triclopyr has a common mechanism of toxicity with other substances or how to include this pesticide in a cumulative risk assessment. Unlike other pesticides for which EPA has followed a cumulative risk approach based on a common mechanism of toxicity, triclopyr does not appear to produce a toxic metabolite produced by other substances. For the purposes of this tolerance action, therefore, EPA has not assumed that triclopyr has a common mechanism of toxicity with other substances.

C. Aggregate Risks and Determination of Safety for U.S. Population

1. *Acute risk.* For the population subgroup of concern, pregnant females age 13 and older, the Agency estimated an MOE of 1250 for the acute aggregate dietary risk (food + water) from exposures to triclopyr residues. Residential exposure was considered to be negligible. Therefore, the aggregate exposure is not expected to exceed the Agency's level of concern.

2. *Chronic risk.* Using the TMRC exposure assumptions described above, EPA has concluded that the percentage of the RfD that will be utilized by aggregate exposures [food + water] to residues of triclopyr ranges from 16% [1% for food and 15% for water] to 48% [46% for water and 2% for food] for the U.S. population. The major identifiable subgroup with the highest aggregate exposure is non-nursing infants <1 year old (discussed below). There are no chronic exposure scenarios for non-dietary uses of triclopyr which would

contribute to the aggregate risk. EPA generally has no concern for exposures below 100% of the RfD because the RfD represents the level at or below which daily aggregate dietary exposure over a lifetime will not pose appreciable risks to human health. EPA concludes that there is a reasonable certainty that no harm will result from aggregate exposure to triclopyr residues.

3. *Short- and intermediate-term risk.* Short- and intermediate-term aggregate exposure takes into account chronic dietary food and water (considered to be a background exposure level) plus indoor and outdoor residential exposure. Although there is potential for outdoor residential exposures, the Agency has determined that short- and intermediate-term risk assessments are not required. The available data indicate no evidence of significant toxicity and a reasonable certainty that no harm will result from these exposures to triclopyr residues.

D. Aggregate Cancer Risk for U.S. Population

The Agency's CPRC concluded that triclopyr should be classified as ''Group D chemical'' - not classifiable as to human carcinogenicity.

E. Aggregate Risks and Determination of Safety for Infants and Children

1. *Safety factor for infants and children*— i. *In general.* In assessing the potential for additional sensitivity of infants and children to residues of triclopyr, EPA considered data from developmental toxicity studies in the rat and rabbit and a two-generation reproduction study in the rat. The developmental toxicity studies are designed to evaluate adverse effects on the developing organism resulting from maternal pesticide exposure during gestation. Reproduction studies provide information relating to effects from exposure to the pesticide on the reproductive capability of mating animals and data on systemic toxicity.

FFDCA section 408 provides that EPA shall apply an additional tenfold margin of safety for infants and children in the case of threshold effects to account for pre-and post-natal toxicity and the completeness of the database unless EPA determines that a different margin of safety will be safe for infants and children. Margins of safety are incorporated into EPA risk assessments either directly through use of a MOE analysis or through using uncertainty (safety) factors in calculating a dose level that poses no appreciable risk to humans. EPA believes that reliable data support using the standard 100-fold safety factor (usually 100 for combined inter- and intra-species variability) and not the additional tenfold safety factor when EPA has a complete data base under existing guidelines and when the severity of the effect in infants or children or the potency or unusual toxic properties of a compound do not raise concerns regarding the adequacy of the standard safety factor.

ii. *Developmental toxicity studies*— a. *Rats*: The maternal (systemic) NOEL was 100 mg/kg/day, based on increased salivation and mortality at the lowest observed effect level (LOEL) of 300 mg/kg/day. The developmental (fetal) NOEL was 100 mg/kg/day, based on skeletal anomalies at the LOEL of 300 mg/kg/day.

b. *Rabbits.* The maternal (systemic) NOEL was 30 mg/kg/day, based on increased mortality and cesearean section observations at the LOEL of 100 mg/kg/day. The developmental (fetal) NOEL was 30 mg/kg/day, based on skeletal anomalies and variants at the LOEL of 100 mg/kg/day.

iii. *Reproductive toxicity study— Rats.* In the 2-generation reproductive toxicity study in rats, the parental (systemic) NOEL was 2.5 mg/kg/day, based on an increased incidence of degeneration of the proximal tubules of the kidney, observed in P1 and P2 parents of both sexes at the LOEL of 25 mg/kg/day. The developmental (pup) NOEL was 25 mg/kg/day based on decreased litter size, decreased body weight, and decreased survival at the LOEL of 250 mg/kg/day.

iv. *Pre- and post-natal sensitivity.* The toxicological data base for evaluating pre- and post-natal toxicity for triclopyr is complete with respect to current data requirements. There are no pre- or post-natal toxicity concerns for infants and children, based on the results of the rat and rabbit developmental toxicity studies and the 2-generation rat reproductive toxicity study. The developmental studies in rats and rabbits both have the maternal NOELs and LOELs at the same doses as the developmental NOELs and LOELs, respectively, and demonstrate that no pre-natal extra sensitivity is present. However, based on the developmental effects observed in rabbits, an acute dietary risk assessment was performed for women age 13 and older. The MOE was estimated as 2500.

The 2-generation rat reproduction study did not demonstrate any pre- or post natal extra sensivity for infants and children, since the developmental/reproductive (pup) findings occurred at 250 mg/kg/day in the presence of severe maternal toxicity.

v. *Conclusion.* The EPA concludes that reliable data support use of the standard 100-fold margin of exposure/uncertainty factor and that an additional margin/factor is not needed to protect infants and children.

2. *Acute risk.* The acute aggregate dietary MOE (food + water) was calculated to be 1250 for females age 13 and older (accounts for both maternal and fetal exposure), the population subgroup of concern. The MOE calculations were based on the developmental NOEL in rabbits of 30 mg/kg/day. This risk assessment assumed 100% crop-treated with tolerance level residues on all treated crops consumed, resulting in a significant over-estimate of dietary exposure. The large acute dietary MOE calculated for females age 13 and older provides assurance that there is a reasonable certainty of no harm for infants and children from exposures to triclopyr.

3. *Chronic risk.* Using the conservative exposure assumptions described above, EPA has concluded that the chronic aggregate (food + water) exposure to triclopyr for infants and children occupies 48% of the RfD. EPA generally has no concern for exposures below 100% of the RfD because the RfD represents the level at or below which daily aggregate dietary exposure over a lifetime will not pose appreciable risks to human health. There are no chronic exposure scenarios for non-dietary uses of triclopyr which would contribute to the aggregate risk. Taking into account the completeness and reliability of the toxicity data and this conservative exposure assessment, EPA concludes that there is a reasonable certainty that no harm will result to infants and children from aggregate exposure to triclopyr residues.

V. Other Considerations

A. Metabolism In Plants and Animals

The nature of the residue in fish and shellfish is adequately understood. The residues of concern in fish and shellfish are the parent triclopyr and its metabolite 3,5,6-trichloro-2-pyridinol. The residues specified in 40 CFR 180.417 for fish and shellfish are the parent compound triclopyr and its two metabolites 3,5,6-trichloro-2-pyridinol and 2-methoxy-3,5,6-trichloropyridine. However, the Agency's Metabolism Committee determined that the residue to be regulated in plants, milk, poultry, and eggs is parent triclopyr only. The residues to be regulated in meat and meat byproducts are triclopyr and 3,5,6-trichloro-2-pyridinol .

B. Analytical Enforcement Methodology

Adequate enforcement methodologies (gas chromatography with ECD) are available in PAM, Vol. II, Methods I and II for plant and animal commodities to enforce the tolerance expression.

C. Magnitude of Residues

Residues of triclopyr and its regulated metabolites are not expected to exceed 0.2 ppm in fish and 5.0 ppm in shellfish as a result of this Section 18 use. Provided irrigation with treated water is restricted for two weeks (product label restriction), measurable residues in irrigated crops are unlikely. Secondary residues in animal commodities are not expected to exceed existing tolerances as a result of this Section 18 use.

D. International Residue Limits

There are no Codex proposals (step 6 or above), Canadian limits, or Mexican limits for triclopyr on fish and shellfish.

E. Rotational Crop Restrictions.

Residues in rotational crops are not a concern for this use of triclopyr on aquatic sites since crops will not be rotated into the treated aquatic sites.

VI. Conclusion

Therefore, time-limited tolerances are established for residues of triclopyr and its metabolite 3,5,6-trichloro-2-pyridinol in /on fish at 0.2 ppm and shellfish at 5.0 ppm.

VII. Objections and Hearing Requests

The new FFDCA section 408(g) provides essentially the same process for persons to ''object'' to a tolerance regulation issued by EPA under new section 408(e) and (l)(6) as was provided in the old section 408 and in section 409. However, the period for filing objections is 60 days, rather than 30 days. EPA currently has procedural regulations which govern the submission of objections and hearing requests. These regulations will require some modification to reflect the new law. However, until those modifications can be made, EPA will continue to use those procedural regulations with appropriate adjustments to reflect the new law.

Any person may, by November 4, 1997, file written objections to any aspect of this regulation and may also request a hearing on those objections. Objections and hearing requests must be filed with the Hearing Clerk, at the address given above (40 CFR 178.20). A copy of the objections and/or hearing requests filed with the Hearing Clerk should be submitted to the OPP docket for this rulemaking. The objections submitted must specify the provisions of the regulation deemed objectionable and the grounds for the objections (40 CFR 178.25). Each objection must be accompanied by the fee prescribed by 40 CFR 180.33(i). If a hearing is requested, the objections must include a statement of the factual issues on which a hearing is requested, the requestor's contentions on such issues, and a summary of any evidence relied upon by the requestor (40 CFR 178.27). A request for a hearing will be granted if the Administrator determines that the material submitted shows the following: There is genuine and substantial issue of fact; there is a reasonable possibility that available evidence identified by the requestor would, if established, resolve one or more of such issues in favor of the requestor, taking into account uncontested claims or facts to the contrary; and resolution of the factual issues in the manner sought by the requestor would be adequate to justify the action requested (40 CFR 178.32). Information submitted in connection with an objection or hearing request may be claimed confidential by marking any part or all of that information as Confidential Business Information (CBI). Information so marked will not be disclosed except in accordance with procedures set forth in 40 CFR part 2. A copy of the information that does not contain CBI must be submitted for inclusion in the public record. Information not marked confidential may be disclosed publicly by EPA without prior notice.

VIII. Public Record

EPA has established a record for this rulemaking under docket control number [OPP–300535] (including any comments and data submitted electronically). A public version of this record, including printed, paper versions of electronic comments, which does not include any information claimed as CBI, is available for inspection from 8:30 a.m. to 4 p.m., Monday through Friday, excluding legal holidays. The public record is located in Room 1132 of the Public Information and Records Integrity Branch, Information Resources and Services Division (7506C), Office of Pesticide Programs, Environmental Protection Agency, Crystal Mall #2, 1921 Jefferson Davis Hwy., Arlington, VA.

Electronic comments may be sent directly to EPA at:
opp-docket@epamail.epa.gov.

Electronic comments must be submitted as an ASCII file avoiding the use of special characters and any form of encryption.

The official record for this rulemaking, as well as the public version, as described above will be kept in paper form. Accordingly, EPA will transfer any copies of objections and hearing requests received electronically into printed, paper form as they are received and will place the paper copies in the official rulemaking record which will also include all comments submitted directly in writing. The official rulemaking record is the paper record maintained at the Virginia address in ''ADDRESSES'' at the beginning of this document.

IX. Regulatory Assessment Requirements

This final rule establishes time-limited tolerances under FFDCA section 408(l)(6). The Office of Management and Budget (OMB) has exempted these types of actions from review under Executive Order 12866, entitled Regulatory Planning and Review (58 FR 51735, October 4, 1993). This final rule does not contain any information collections subject to OMB approval under the Paperwork Reduction Act (PRA), 44 U.S.C. 3501 *et seq.*, or impose any enforceable duty or contain any unfunded mandate as described under Title II of the Unfunded Mandates Reform Act of 1995 (UMRA) (Pub. L. 104-4). Nor does it require any prior consultation as specified by Executive Order 12875, entitled Enhancing the Intergovernmental Partnership (58 FR 58093, October 28, 1993), or special considerations as required by Executive Order 12898, entitled Federal Actions to Address Environmental Justice in Minority Populations and Low-Income Populations (59 FR 7629, February 16, 1994), or require OMB review in accordance with Executive Order 13045, entitled Protection of Children from Environmental Health Risks and Safety Risks (62 FR 19885, April 23, 1997).

In addition, since these tolerances and exemptions that are established under FFDCA section 408 (l)(6), such as the tolerances in this final rule, do not require the issuance of a proposed rule, the requirements of the Regulatory Flexibility Act (RFA) (5 U.S.C. 601 *et seq.*) do not apply. Nevertheless, the Agency has previously assessed whether establishing tolerances, exemptions from tolerances, raising tolerance levels or expanding exemptions might adversely impact small entities and concluded, as a generic matter, that there is no adverse economic impact. The factual basis for the Agency's generic certification for tolerance acations published on May 4, 1981 (46 FR 24950), and was provided to the

Chief Counsel for Advocacy of the Small Business Administration.

X. Submission to Congress and the General Accounting Office

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

List of Subjects in 40 CFR Part 180

Environmental protection, Administrative practice and procedure, Agricultural commodities, Pesticides and pests, Reporting and recordkeeping requirements.

Dated: August 22, 1997.

James Jones,

Acting Director, Registration Division, Office of Pesticide Programs.

Therefore, 40 CFR chapter I is amended as follows:

PART 180—[AMENDED]

1. The authority citation for part 180 continues to read as follows:

Authority: 21 U.S.C. 346a and 371.

2. Section 180.417 is amended as follows:

a. By adding a heading to paragraph (a) and redesignating the text of paragraph (a) as paragraph (a)(1).

b. By redesignating paragraph (b) as paragraph (a)(2).

c. By adding a new paragraph (b).

d. By adding headings and reserving paragraphs (c) and (d).

Section 180.417, as amended, reads as follows:

§ 180.417 Triclopyr; tolerances for residues.

(a) *General.* * * *

(b) *Section 18 emergency exemptions.* Time-limited tolerances are established for the combined residues of the herbicide triclopyr ((3,5,6-trichloro-2-pyridinyl)oxy)acetic acid and its metabolite 3,5,6-trichloro-2-pyridinol in connection with use of the pesticide under section 18 emergency exemptions granted by EPA. The tolerance is specified in the following table. The tolerances will expire and are revoked on the dates specified in the following table:

Commodity	Parts per million	Expiration/ revocation date
Fish	0.2	12/31/98
Shellfish	5.0	12/31/98

(c) *Tolerances with regional registrations.* [Reserved]

(d) *Indirect or inadvertent residues.* [Reserved]

[FR Doc. 97–23683 Filed 9–4–97; 8:45 am]

BILLING CODE 6560–50–F

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 180

[OPP–300543; FRL–5740–6]

RIN 2070–AB78

Bifenthrin; Pesticide Tolerances for Emergency Exemptions

AGENCY: Environmental Protection Agency (EPA).

ACTION: Final rule.

SUMMARY: This regulation establishes a time-limited tolerance for residues of bifenthrin in or on canola seed. This action is in response to EPA's granting of an emergency exemption under section 18 of the Federal Insecticide, Fungicide, and Rodenticide Act authorizing use of the pesticide on canola in Idaho, Oregon, and Washington. This regulation establishes a maximum permissible level for residues of bifenthrin in this food commodity pursuant to section 408(l)(6) of the Federal Food, Drug, and Cosmetic Act, as amended by the Food Quality Protection Act of 1996. The tolerance will expire and is revoked on September 30, 1998.

DATES: This regulation is effective September 5, 1997. Objections and requests for hearings must be received by EPA on or before November 4, 1997.

ADDRESSES: Written objections and hearing requests, identified by the docket control number, [OPP–300543], must be submitted to: Hearing Clerk (1900), Environmental Protection Agency, Rm. M3708, 401 M St., SW., Washington, DC 20460. Fees accompanying objections and hearing requests shall be labeled ''Tolerance Petition Fees'' and forwarded to: EPA Headquarters Accounting Operations Branch, OPP (Tolerance Fees), P.O. Box 360277M, Pittsburgh, PA 15251. A copy of any objections and hearing requests filed with the Hearing Clerk identified by the docket control number, [OPP–300543], must also be submitted to: Public Information and Records Integrity Branch, Information Resources and Services Division (7506C), Office of Pesticide Programs, Environmental Protection Agency, 401 M St., SW., Washington, DC 20460. In person, bring a copy of objections and hearing requests to Rm. 1132, CM #2, 1921 Jefferson Davis Hwy., Arlington, VA.

A copy of objections and hearing requests filed with the Hearing Clerk may also be submitted electronically by sending electronic mail (e-mail) to: opp-docket@epamail.epa.gov. Copies of objections and hearing requests must be submitted as an ASCII file avoiding the use of special characters and any form of encryption. Copies of objections and hearing requests will also be accepted on disks in WordPerfect 5.1 file format or ASCII file format. All copies of objections and hearing requests in electronic form must be identified by the docket control number [OPP–300543]. No Confidential Business Information (CBI) should be submitted through e-mail. Electronic copies of objections and hearing requests on this rule may be filed online at many Federal Depository Libraries.

FOR FURTHER INFORMATION CONTACT: By mail: Andrea Beard, Registration Division 7505C, Office of Pesticide Programs, Environmental Protection Agency, 401 M St., SW., Washington, DC 20460. Office location, telephone number, and e-mail address: Crystal Mall #2, 1921 Jefferson Davis Hwy., Arlington, VA, (703) 308-9356, e-mail: beard.andrea@epamail.epa.gov.

SUPPLEMENTARY INFORMATION: EPA, on its own initiative, pursuant to section 408(e) and (l)(6) of the Federal Food, Drug, and Cosmetic Act (FFDCA), 21 U.S.C. 346a(e) and (l)(6), is establishing a tolerance for residues of the insecticide bifenthrin, in or on canola seed at 0.5 part per million (ppm). This tolerance will expire and is revoked on September 30, 1998. EPA will publish a document in the **Federal Register** to remove the revoked tolerance from the Code of Federal Regulations.

I. Background and Statutory Authority

The Food Quality Protection Act of 1996 (FQPA) (Pub. L. 104–170) was signed into law August 3, 1996. FQPA amends both the Federal Food, Drug, and Cosmetic Act (FFDCA), 21 U.S.C. 301 *et seq.*, and the Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA), 7 U.S.C. 136 *et seq.* The FQPA amendments went into effect immediately. Among other things, FQPA amends FFDCA to bring all EPA pesticide tolerance-setting activities under a new section 408 with a new

safety standard and new procedures. These activities are described below and discussed in greater detail in the final rule establishing the time-limited tolerance associated with the emergency exemption for use of propiconazole on sorghum (61 FR 58135, November 13, 1996)(FRL–5572–9).

New section 408(b)(2)(A)(i) of the FFDCA allows EPA to establish a tolerance (the legal limit for a pesticide chemical residue in or on a food) only if EPA determines that the tolerance is ''safe.'' Section 408(b)(2)(A)(ii) defines ''safe'' to mean that ''there is a reasonable certainty that no harm will result from aggregate exposure to the pesticide chemical residue, including all anticipated dietary exposures and all other exposures for which there is reliable information.'' This includes exposure through drinking water and in residential settings, but does not include occupational exposure. Section 408(b)(2)(C) requires EPA to give special consideration to exposure of infants and children to the pesticide chemical residue in establishing a tolerance and to ''ensure that there is a reasonable certainty that no harm will result to infants and children from aggregate exposure to the pesticide chemical residue....''

Section 18 of FIFRA authorizes EPA to exempt any Federal or State agency from any provision of FIFRA, if EPA determines that ''emergency conditions exist which require such exemption.'' This provision was not amended by FQPA. EPA has established regulations governing such emergency exemptions in 40 CFR part 166.

Section 408(l)(6) of the FFDCA requires EPA to establish a time-limited tolerance or exemption from the requirement for a tolerance for pesticide chemical residues in food that will result from the use of a pesticide under an emergency exemption granted by EPA under section 18 of FIFRA. Such tolerances can be established without providing notice or period for public comment.

Because decisions on section 18-related tolerances must proceed before EPA reaches closure on several policy issues relating to interpretation and implementation of the FQPA, EPA does not intend for its actions on such tolerance to set binding precedents for the application of section 408 and the new safety standard to other tolerances and exemptions.

II. Emergency Exemption for Bifenthrin on Canola and FFDCA Tolerances

The Applicants state that the events which brought about this emergency situation started in 1992, when significant numbers of cabbage aphid were first noted on the canola crop. Since then, numbers of this pest have continued to build to where economic damage has occurred in affected areas where bifenthrin was not applied. Registered materials do not adequately control aphids in canola, and several have the additional disadvantage of toxicity to beneficials. This situation has been especially severe during the years with mild wet winters, which allow high aphid carryover from the previous year, and delay planting so that flowering of the canola occurs when aphid populations are at their peak. EPA has authorized use of bifenthrin on canola for this situation for the past 2 years. EPA has authorized under FIFRA section 18 the use of bifenthrin on canola for control of aphids in Idaho, Oregon, and Washington. After having reviewed the submission, EPA concurs that emergency conditions exist for these states.

As part of its assessment of this emergency exemption, EPA assessed the potential risks presented by residues of bifenthrin in or on canola. In doing so, EPA considered the new safety standard in FFDCA section 408(b)(2), and EPA decided that the necessary tolerance under FFDCA section 408(l)(6) would be consistent with the new safety standard and with FIFRA section 18. Consistent with the need to move quickly on the emergency exemption in order to address an urgent non-routine situation and to ensure that the resulting food is safe and lawful, EPA is issuing this tolerance without notice and opportunity for public comment under section 408(e), as provided in section 408(l)(6). Although this tolerance will expire and is revoked on September 30, 1998, under FFDCA section 408(l)(5), residues of the pesticide not in excess of the amounts specified in the tolerance remaining in or on canola seed after that date will not be unlawful, provided the pesticide is applied in a manner that was lawful under FIFRA. EPA will take action to revoke this tolerance earlier if any experience with, scientific data on, or other relevant information on this pesticide indicate that the residues are not safe.

Because this tolerance is being approved under emergency conditions EPA has not made any decisions about whether bifenthrin meets EPA's registration requirements for use on canola or whether a permanent tolerance for this use would be appropriate. Under these circumstances, EPA does not believe that this tolerance serves as a basis for registration of bifenthrin by a State for special local needs under FIFRA section 24(c). Nor does this tolerance serve as the basis for any State other than Idaho, Oregon, and Washington to use this pesticide on this crop under section 18 of FIFRA without following all provisions of section 18 as identified in 40 CFR part 166. For additional information regarding the emergency exemption for bifenthrin, contact the Agency's Registration Division at the address provided above.

III. Risk Assessment and Statutory Findings

EPA performs a number of analyses to determine the risks from aggregate exposure to pesticide residues. First, EPA determines the toxicity of pesticides based primarily on toxicological studies using laboratory animals. These studies address many adverse health effects, including (but not limited to) reproductive effects, developmental toxicity, toxicity to the nervous system, and carcinogenicity. Second, EPA examines exposure to the pesticide through the diet (e.g., food and drinking water) and through exposures that occur as a result of pesticide use in residential settings.

A. Toxicity

1. *Threshold and non-threshold effects.* For many animal studies, a dose response relationship can be determined, which provides a dose that causes adverse effects (threshold effects) and doses causing no observed effects (the ''no-observed effect level'' or ''NOEL'').

Once a study has been evaluated and the observed effects have been determined to be threshold effects, EPA generally divides the NOEL from the study with the lowest NOEL by an uncertainty factor (usually 100 or more) to determine the Reference Dose (RfD). The RfD is a level at or below which daily aggregate exposure over a lifetime will not pose appreciable risks to human health. An uncertainty factor (sometimes called a ''safety factor'') of 100 is commonly used since it is assumed that people may be up to 10 times more sensitive to pesticides than the test animals, and that one person or subgroup of the population (such as infants and children) could be up to 10 times more sensitive to a pesticide than another. In addition, EPA assesses the potential risks to infants and children based on the weight of the evidence of the toxicology studies and determines whether an additional uncertainty factor is warranted. Thus, an aggregate daily exposure to a pesticide residue at or below the RfD (expressed as 100 percent or less of the RfD) is generally considered acceptable by EPA. EPA generally uses the RfD to evaluate the

chronic risks posed by pesticide exposure. For shorter term risks, EPA calculates a margin of exposure (MOE) by dividing the estimated human exposure into the NOEL from the appropriate animal study. Commonly, EPA finds MOEs lower than 100 to be unacceptable. This 100-fold MOE is based on the same rationale as the 100-fold uncertainty factor.

Lifetime feeding studies in two species of laboratory animals are conducted to screen pesticides for cancer effects. When evidence of increased cancer is noted in these studies, the Agency conducts a weight of the evidence review of all relevant toxicological data including short-term and mutagenicity studies and structure activity relationship. Once a pesticide has been classified as a potential human carcinogen, different types of risk assessments (e.g., linear low dose extrapolations or MOE calculation based on the appropriate NOEL) will be carried out based on the nature of the carcinogenic response and the Agency's knowledge of its mode of action.

2. *Differences in toxic effect due to exposure duration.* The toxicological effects of a pesticide can vary with different exposure durations. EPA considers the entire toxicity data base, and based on the effects seen for different durations and routes of exposure, determines which risk assessments should be done to assure that the public is adequately protected from any pesticide exposure scenario. Both short and long durations of exposure are always considered. Typically, risk assessments include ''acute'', ''short-term'', ''intermediate term'', and ''chronic'' risks. These assessments are defined by the Agency as follows.

Acute risk, by the Agency's definition, results from 1-day consumption of food and water, and reflects toxicity which could be expressed following a single oral exposure to the pesticide residues. High end exposure to food and water residues are typically assumed.

Short-term risk results from exposure to the pesticide for a period of 1-7 days, and therefore overlaps with the acute risk assessment. Historically, this risk assessment was intended to address primarily dermal and inhalation exposure which could result, for example, from residential pesticide applications. However, since enaction of FQPA, this assessment has been expanded to include both dietary and non-dietary sources of exposure, and will typically consider exposure from food, water, and residential uses when reliable data are available. In this assessment, risks from average food and water exposure, and high-end residential exposure, are aggregated. High-end exposures from all 3 sources are not typically added because of the very low probability of this occurring in most cases, and because the other conservative assumptions built into the assessment assure adequate protection of public health. However, for cases in which high-end exposure can reasonably be expected from multiple sources (e.g. frequent and widespread homeowner use in a specific geographical area), multiple high-end risks will be aggregated and presented as part of the comprehensive risk assessment/characterization. Since the toxicological endpoint considered in this assessment reflects exposure over a period of at least 7 days, an additional degree of conservatism is built into the assessment; i.e., the risk assessment nominally covers 1-7 days exposure, and the toxicological endpoint/NOEL is selected to be adequate for at least 7 days of exposure. (Toxicity results at lower levels when the dosing duration is increased.)

Intermediate-term risk results from exposure for 7 days to several months. This assessment is handled in a manner similar to the short-term risk assessment.

Chronic risk assessment describes risk which could result from several months to a lifetime of exposure. For this assessment, risks are aggregated considering average exposure from all sources for representative population subgroups including infants and children.

B. Aggregate Exposure

In examining aggregate exposure, FFDCA section 408 requires that EPA take into account available and reliable information concerning exposure from the pesticide residue in the food in question, residues in other foods for which there are tolerances, residues in groundwater or surface water that is consumed as drinking water, and other non-occupational exposures through pesticide use in gardens, lawns, or buildings (residential and other indoor uses). Dietary exposure to residues of a pesticide in a food commodity are estimated by multiplying the average daily consumption of the food forms of that commodity by the tolerance level or the anticipated pesticide residue level. The Theoretical Maximum Residue Contribution (TMRC) is an estimate of the level of residues consumed daily if each food item contained pesticide residues equal to the tolerance. In evaluating food exposures, EPA takes into account varying consumption patterns of major identifiable subgroups of consumers, including infants and children. The TMRC is a ''worst case'' estimate since it is based on the assumptions that food contains pesticide residues at the tolerance level and that 100% of the crop is treated by pesticides that have established tolerances. If the TMRC exceeds the RfD or poses a lifetime cancer risk that is greater than approximately one in a million, EPA attempts to derive a more accurate exposure estimate for the pesticide by evaluating additional types of information (anticipated residue data and/or percent of crop treated data) which show, generally, that pesticide residues in most foods when they are eaten are well below established tolerances.

Percent of crop treated estimates are derived from Federal and private market survey data. Typically, a range of estimates are supplied and the upper end of this range is assumed for the exposure assessment. By using this upper end estimate of percent of crop treated, the Agency is reasonably certain that exposure is not understated for any significant subpopulation group. Further, regional consumption information is taken into account through EPA's computer-based model for evaluating the exposure of significant subpopulations including several regional groups, to pesticide residues. For this pesticide, the most highly exposed population subgroup (Non-Nursing Infants, less than 1 year old) was not regionally based.

IV. Aggregate Risk Assessment and Determination of Safety

Consistent with section 408(b)(2)(D), EPA has reviewed the available scientific data and other relevant information in support of this action, EPA has sufficient data to assess the hazards of bifenthrin and to make a determination on aggregate exposure, consistent with section 408(b)(2), for a time-limited tolerance for residues of bifenthrin on canola seed at 0.5 ppm. EPA's assessment of the dietary exposures and risks associated with establishing the tolerance follows.

A. Toxicological Profile

EPA has evaluated the available toxicity data and considered its validity, completeness, and reliability as well as the relationship of the results of the studies to human risk. EPA has also considered available information concerning the variability of the sensitivities of major identifiable subgroups of consumers, including infants and children. The nature of the toxic effects caused by bifenthrin are discussed below.

1. *Acute toxicity*. The maternal NOEL of 1 mg/kg/day from the oral developmental toxicity study in rats is used for acute dietary risk assessments. The maternal LOEL of this study of 2 mg/kg/day was based on tremors from day 7-17 of dosing. This acute dietary endpoint is used to estimate dietary risks to all population subgroups.

2. *Short - and intermediate - term toxicity*. The maternal NOEL of 1 mg/kg/day from the oral developmental toxicity study in rats is also used for short- and intermediate-term MOE calculations (as well as acute, discussed in Unit IV.A.1. above).

3. *Chronic toxicity*. EPA has established the RfD for bifenthrin at 0.015 milligrams/kilogram/day (mg/kg/day). This RfD is based on a 1-year oral feeding study in dogs with a NOEL of 1.5 mg/kg/day, based on intermittent tremors at the LOEL of 3 mg/kg/day; an uncertainty factor of 100 is used.

4. *Carcinogenicity*. OPP has classified bifenthrin as a Group C chemical (possible human carcinogen) based upon urinary bladder tumors in mice, but did not recommend assignment of a Q^*.

B. Exposures and Risks

1. *From food and feed uses.* Tolerances have been established (40 CFR 180.442) for the residues of bifenthrin, in or on a variety of raw agricultural commodities. Tolerances, in support of registrations, currently exist for residues of bifenthrin on hops; strawberries; corn grain, forage, and fodder; cotton seed; and livestock commodities of cattle, goats, hogs, horses, sheep, and poultry. Additionally, time-limited tolerances associated with emergency exemptions were recently established for broccoli, cauliflower, raspberries, and cucurbits. Risk assessments were conducted by EPA to assess dietary exposures and risks from bifenthrin as follows:

i. *Acute exposure and risk.* Acute dietary risk assessments are performed for a food-use pesticide if a toxicological study has indicated the possibility of an effect of concern occurring as a result of a one day or single exposure. [The acute risk assessment used anticipated residues for all commodities having bifenthrin tolerances, except for cucurbits and raspberries, for which tolerance level residues were used. For the most highly exposed population subgroup, children 1-6 years old, the resulting high-end exposure results in a dietary (food only) MOE of 33; at the 97th percentile the MOE is 111. For infants < 1 year old, the high-end exposure MOE is 50; at the 98th percentile it is 111. For the overall U.S. population, the high-end exposure MOE is 50; at the 99th percentile it is 111. The major portion of the estimated dietary exposure from bifenthrin is contributed through the tolerances for field corn and secondary residues in animal commodities resulting from feeding of the treated field corn. This assessment used the extremely conservative assumption that 100% of the field corn and livestock commodities would contain residues of bifenthrin. However, available data show that of the total field corn crop grown in the United States, only about 0.45 percent was actually treated with bifenthrin in 1994-96 (3–year average); it is expected that a similar percentage will be treated for the current year (1997), since this figure has generally remained consistent for the past 3 years. Therefore, it is likely that the actual exposure is considerably less than the conservative estimates given here; if these estimates were refined using the Monte Carlo technique and incorporating actual percent of crop treated figures, EPA scientists believe that the MOEs would be increased to acceptable levels for the high-end consumer.

ii. *Short- and intermediate-term risk.* The short- and intermediate-term risk assessment used maximum anticipated residue levels for cotton, extrapolated residue levels for meat/milk/poultry/eggs, and air monitoring data collected from 15 homes in four states. Based on this data, the MOEs for children are calculated to be 280 for the average consumer and 250 for the high-end consumer. The MOEs for adults are calculated to be 450 for the average consumer and 390 for the high-end consumer. EPA generally has no concern for MOEs greater than 100, and thus these do not exceed EPA's level of concern.

iii. *Chronic exposure and risk.* The chronic dietary (food only) risk assessment for bifenthrin was conducted using the extremely conservative TMRC exposure assumptions that 100% of canola commodities and all other commodities having bifenthrin tolerances will contain bifenthrin residues at tolerance levels. Based on this, EPA has concluded that dietary exposure to bifenthrin will utilize 29 percent of the RfD for the Overall US Population (4 percent of this attributed to canola). The major identifiable subgroup with the highest exposure is Non-Nursing Infants < 1 year old, at 62 percent of the RfD. This is further discussed below in the section on infants and children. EPA generally has no concern for exposure below 100 percent of the RfD because the RfD represents the level at or below which daily aggregate dietary exposure over a lifetime will not pose appreciable risks to human health. Despite the potential for exposure to bifenthrin in drinking water, EPA does not expect the aggregate exposure to exceed 100 percent of the RfD. EPA concludes that there is a reasonable certainty that no harm will result from chronic aggregate exposure to bifenthrin residues.

2. *From drinking water.* Because the Agency lacks sufficient water-related exposure data to complete a comprehensive drinking water risk assessment for many pesticides, EPA has commenced and nearly completed a process to identify a reasonable yet conservative bounding figure for the potential contribution of water-related exposure to the aggregate risk posed by a pesticide. In developing the bounding figure, EPA estimated residue levels in water for a number of specific pesticides using various data sources. The Agency then applied the estimated residue levels, in conjunction with appropriate toxicological endpoints (RfD's or acute dietary NOEL's) and assumptions about body weight and consumption, to calculate, for each pesticide, the increment of aggregate risk contributed by consumption of contaminated water. While EPA has not yet pinpointed the appropriate bounding figure for exposure from contaminated water, the ranges the Agency is continuing to examine are all below the level that would cause bifenthrin to exceed the RfD if the tolerance being considered in this document were granted. The Agency has therefore concluded that the potential exposures associated with bifenthrin in water, even at the higher levels the Agency is considering as a conservative upper bound, would not prevent the Agency from determining that there is a reasonable certainty of no harm if the tolerance is granted.

3. *From non-dietary exposure.* Bifenthrin is currently only registered for residential non-food use as a termiticide. Based on information referred to above regarding short- and intermediate-term exposure, this use is not expected to result in risks that exceed levels of concern. Therefore, reasonable certainty of no harm is expected from exposure through non-dietary, non-occupational routes.

4. *Cumulative exposure to substances with common mechanism of toxicity.* Section 408(b)(2)(D)(v) requires that, when considering whether to establish, modify, or revoke a tolerance, the Agency consider ''available information'' concerning the cumulative effects of a particular pesticide's residues and ''other substances that

have a common mechanism of toxicity.'' The Agency believes that ''available information'' in this context might include not only toxicity, chemistry, and exposure data, but also scientific policies and methodologies for understanding common mechanisms of toxicity and conducting cumulative risk assessments. For most pesticides, although the Agency has some information in its files that may turn out to be helpful in eventually determining whether a pesticide shares a common mechanism of toxicity with any other substances, EPA does not at this time have the methodologies to resolve the complex scientific issues concerning common mechanism of toxicity in a meaningful way. EPA has begun a pilot process to study this issue further through the examination of particular classes of pesticides. The Agency hopes that the results of this pilot process will increase the Agency's scientific understanding of this question such that EPA will be able to develop and apply scientific principles for better determining which chemicals have a common mechanism of toxicity and evaluating the cumulative effects of such chemicals. The Agency anticipates, however, that even as its understanding of the science of common mechanisms increases, decisions on specific classes of chemicals will be heavily dependent on chemical specific data, much of which may not be presently available.

Although at present the Agency does not know how to apply the information in its files concerning common mechanism issues to most risk assessments, there are pesticides as to which the common mechanism issues can be resolved. These pesticides include pesticides that are toxicologically dissimilar to existing chemical substances (in which case the Agency can conclude that it is unlikely that a pesticide shares a common mechanism of activity with other substances) and pesticides that produce a common toxic metabolite (in which case common mechanism of activity will be assumed).

EPA does not have, at this time, available data to determine whether bifenthrin has a common mechanism of toxicity with other substances or how to include this pesticide in a cumulative risk assessment. Unlike other pesticides for which EPA has followed a cumulative risk approach based on a common mechanism of toxicity, bifenthrin does not appear to produce a toxic metabolite produced by other substances. For the purposes of this tolerance action, therefore, EPA has not assumed that bifenthrin has a common mechanism of toxicity with other substances.

C. Aggregate Risks and Determination of Safety for U.S. Population

1. *Acute risk.* For the overall U.S. population, the calculated MOE value (for food only) is 50. For the most highly exposed subgroup, children 1 - 6 years old, the MOE for food is 33. As stated above, EPA believes that with percent of crop treated (particularly for field corn, the major contributor) incorporated in a Monte Carlo analysis, MOEs for all population subgroups will be acceptable. Although theoretically there is the potential for exposure to bifenthrin in drinking water, EPA does not expect that exposure would result in aggregate MOEs (food plus water) that would exceed the levels of concern for acute dietary exposure. Therefore, EPA concludes that there is reasonable certainty that no harm will result from acute exposure to bifenthrin.

2. *Chronic risk.* Using the TMRC exposure assumptions described above, EPA has concluded that aggregate exposure to bifenthrin from food will utilize 29 of the RfD for the U.S. population. The major identifiable subgroup with the highest aggregate exposure is non-nursing infants < 1 year old, discussed below. EPA generally has no concern for exposures below 100% of the RfD because the RfD represents the level at or below which daily aggregate dietary exposure over a lifetime will not pose appreciable risks to human health. Despite the potential for exposure to bifenthrin in drinking water and from non-dietary, non-occupational exposure, EPA does not expect the aggregate exposure to exceed 100% of the RfD. EPA concludes that there is a reasonable certainty that no harm will result from chronic aggregate exposure to bifenthrin residues.

3. *Short- and intermediate-term risk.* Short- and intermediate-term aggregate exposure takes into account chronic dietary food and water (considered to be a background exposure level) plus indoor and outdoor residential exposure. Based on bifenthrin not being registered for indoor residential or pet uses, EPA concludes that the aggregate short- and intermediate-term risks do not exceed levels of concern, and that there is reasonable certainty that no harm will result.

D. Aggregate Risks and Determination of Safety for Infants and Children

1. *Safety factor for infants and children*—i. *In general.* In assessing the potential for additional sensitivity of infants and children to residues of bifenthrin, EPA considered data from developmental toxicity studies in the rat and rabbit and a two-generation reproduction study in the rat. The developmental toxicity studies are designed to evaluate adverse effects on the developing organism resulting from maternal pesticide exposure during gestation. Reproduction studies provide information relating to effects from exposure to the pesticide on the reproductive capability of mating animals and data on systemic toxicity.

FFDCA section 408 provides that EPA shall apply an additional tenfold margin of safety for infants and children in the case of threshold effects to account for pre-and post-natal toxicity and the completeness of the database unless EPA determines that a different margin of safety will be safe for infants and children. Margins of safety are incorporated into EPA risk assessments either directly through use of a MOE analysis or through using uncertainty (safety) factors in calculating a dose level that poses no appreciable risk to humans. EPA believes that reliable data support using the standard 100-fold safety factor (usually 100 for combined inter- and intra-species variability)) and not the additional tenfold safety factor when EPA has a complete data base under existing guidelines and when the severity of the effect in infants or children or the potency or unusual toxic properties of a compound do not raise concerns regarding the adequacy of the standard MOE/safety factor.

ii. *Developmental toxicity studies.* In the rabbit developmental study, there were no developmental effects observed in the fetuses exposed to bifenthrin. The maternal NOEL was 2.67 mg/kg/day based on head and forelimb twitching at the LOEL of 4 mg/kg/day. In the rat developmental study, the maternal NOEL was 1 mg/kg/day, based on tremors at the LOEL of 2 mg/kg/day. The developmental (pup) NOEL was also 1 mg/kg/day, based upon increased incidence of hydroureter at the LOEL of 2 mg/kg/day. There were 5/23 (22%) of the litters affected (5/141 fetuses since each litter only had one affected fetus) in the 2 mg/kg/day group, compared with zero in the control, 1, and 0.5 mg/kg/day groups. According to recent historical data (1992-1994) for this strain of rat, background incidence of distended ureter averaged 11% with a maximum incidence of 90%.

iii. *Reproductive toxicity study.* In the rat reproduction study, parental toxicity occurred as decreased body weight at 5.0 mg/kg/day with a NOEL of 3.0 mg/kg/day. There were no developmental (pup) or reproductive effects up to 5.0 mg/kg/day (highest dose tested).

iv. *Pre- and post-natal sensitivity*—a. *Pre-natal.* Since there was not a dose-related finding of hydroureter in the rat developmental study and in the presence of similar incidences in the recent historical control data, the marginal finding of hydroureter in rat fetuses at 2 mg/kg/day (in the presence of maternal toxicity) is not considered a significant developmental finding. Nor does it provide sufficient evidence of a special dietary risk (either acute or chronic) for infants and children which would require an additional safety factor.

b. *Post-natal.* Based on the absence of pup toxicity up to dose levels which produced toxicity in the parental animals, there is no evidence of special post-natal sensitivity to infants and children in the rat reproduction study.

v. *Conclusion*. Based on the above, EPA concludes that reliable data support use of the standard 100-fold uncertainty factor, and that an additional uncertainty factor is not needed to protect the safety of infants and children.

2. *Acute risk*. EPA believes that residential exposures are more appropriately included in the short-term exposure scenario, and thus estimates acute risk from dietary exposure only. EPA concluded that aggregate dietary acute risk (food plus water) would not exceed levels of concern. This is discussed in greater detail above.

3. *Chronic risk.* Using the conservative exposure assumptions described above, EPA has concluded that aggregate exposure to bifenthrin from food will utilize from 20 to 62 percent of the RfD for infants and children. EPA generally has no concern for exposures below 100% of the RfD because the RfD represents the level at or below which daily aggregate dietary exposure over a lifetime will not pose appreciable risks to human health. Despite the potential for exposure to bifenthrin in drinking water and from non-dietary, non-occupational exposure, EPA does not expect the aggregate exposure to exceed 100% of the RfD. EPA concludes that there is a reasonable certainty that no harm will result to infants and children from aggregate exposure to bifenthrin residues.

4. *Short- or intermediate-term risk.* The estimated short- and intermediate-term risks do not exceed EPA's levels of concern for children. MOEs for children are calculated to be 280 for the average consumer and 250 for the high-end consumer, discussed in greater detail above.

V. Other Considerations

A. Metabolism In Plants and Animals

The metabolism of bifenthrin in canola is adequately understood for the purposes of these tolerances. The residue of concern is the parent compound only.

B. Analytical Enforcement Methodology

There is a practical analytical method for detecting and measuring levels of bifenthrin in or on food with a limit of detection that allows monitoring of food with residues at or above the levels set in this tolerance document (Gas chromatography with Electron Capture Detection, analytical method P-2132M, PP#0E3921; MRID#41658601). EPA has provided information on this method to Food and Drug Administration. The method is available to anyone who is interested from OPP's Health Effects Division, 7509C Office of Pesticide Programs, Environmental Protection Agency, 401 M St., SW., Washington, DC 20460.

C. Magnitude of Residues

Residues of bifenthrin are not likely to exceed 0.5 ppm in or on canola seed, meal , and refined oil as a result of the proposed use. Secondary residues in animal commodities are not expected to exceed already established tolerances.

D. International Residue Limits

There are no Codex, Canadian, or Mexican residue limits for residues of bifenthrin in or on canola seed, meal, or refined oil.

E. Rotational Crop Restrictions

The confined rotational crop data requirements for bifenthrin have been satisfied. The following rotation instructions are required: (1) Leafy vegetables and root crops may be rotated 30 days following the final application of bifenthrin; (2) Crops for which bifenthrin tolerances exist may be rotated at any time; and (3) All other crops may be rotated 7 months following the final application of bifenthrin .

VI. Conclusion

Therefore, the tolerance is established for residues of bifenthrin in canola seed at 0.5 ppm.

VII. Objections and Hearing Requests

The new FFDCA section 408(g) provides essentially the same process for persons to ''object'' to a tolerance regulation issued by EPA under new section 408(e) and (l)(6) as was provided in the old section 408 and in section 409. However, the period for filing objections is 60 days, rather than 30 days. EPA currently has procedural regulations which govern the submission of objections and hearing requests. These regulations will require some modification to reflect the new law. However, until those modifications can be made, EPA will continue to use those procedural regulations with appropriate adjustments to reflect the new law.

Any person may, by November 4, 1997, file written objections to any aspect of this regulation and may also request a hearing on those objections. Objections and hearing requests must be filed with the Hearing Clerk, at the address given above (40 CFR 178.20). A copy of the objections and/or hearing requests filed with the Hearing Clerk should be submitted to the OPP docket for this rulemaking. The objections submitted must specify the provisions of the regulation deemed objectionable and the grounds for the objections (40 CFR 178.25). Each objection must be accompanied by the fee prescribed by 40 CFR 180.33(i). If a hearing is requested, the objections must include a statement of the factual issues on which a hearing is requested, the requestor's contentions on such issues, and a summary of any evidence relied upon by the requestor (40 CFR 178.27). A request for a hearing will be granted if the Administrator determines that the material submitted shows the following: There is genuine and substantial issue of fact; there is a reasonable possibility that available evidence identified by the requestor would, if established, resolve one or more of such issues in favor of the requestor, taking into account uncontested claims or facts to the contrary; and resolution of the factual issues in the manner sought by the requestor would be adequate to justify the action requested (40 CFR 178.32). Information submitted in connection with an objection or hearing request may be claimed confidential by marking any part or all of that information as Confidential Business Information (CBI). Information so marked will not be disclosed except in accordance with procedures set forth in 40 CFR part 2. A copy of the information that does not contain CBI must be submitted for inclusion in the public record. Information not marked confidential may be disclosed publicly by EPA without prior notice.

VIII. Public Record

EPA has established a record for this rulemaking under docket control number [OPP–300543] (including any comments and data submitted electronically). A public version of this

record, including printed, paper versions of electronic comments, which does not include any information claimed as CBI, is available for inspection from 8:30 a.m. to 4 p.m., Monday through Friday, excluding legal holidays. The public record is located in Room 1132 of the Public Information and Records Integrity Branch, Information Resources and Services Division (7506C), Office of Pesticide Programs, Environmental Protection Agency, Crystal Mall #2, 1921 Jefferson Davis Highway, Arlington, VA.

Electronic comments may be sent directly to EPA at:
opp-docket@epamail.epa.gov.

Electronic comments must be submitted as an ASCII file avoiding the use of special characters and any form of encryption.

The official record for this rulemaking, as well as the public version, as described above will be kept in paper form. Accordingly, EPA will transfer any copies of objections and hearing requests received electronically into printed, paper form as they are received and will place the paper copies in the official rulemaking record which will also include all comments submitted directly in writing. The official rulemaking record is the paper record maintained at the Virginia address in ''ADDRESSES'' at the beginning of this document.

IX. Regulatory Assessment Requirements

This final rule establishes a time-limited tolerance under FFDCA section 408(d). The Office of Management and Budget (OMB) has exempted these types of actions from review under Executive Order 12866, entitled Regulatory Planning and Review (58 FR 51735, October 4, 1993). This final rule does not contain any information collections subject to OMB approval under the Paperwork Reduction Act (PRA), 44 U.S.C. 3501 et seq., or impose any enforceable duty or contain any unfunded mandate as described under Title II of the Unfunded Mandates Reform Act of 1995 (UMRA) (Pub. L. 104–4). Nor does it require any prior consultation as specified by Executive Order 12875, entitled Enhancing the Intergovernmental Partnership (58 FR 58093, October 28, 1993), or special considerations as required by Executive Order 12898, entitled Federal Actions to Address Environmental Justice in Minority Populations and Low-Income Populations (59 FR 7629, February 16, 1994), or require OMB review in accordance with Executive Order 13045, entitled Protection of Children from Environmental Health Risks and Safety Risks (62 FR 19885, April 23, 1997).

In addition, since these tolerances and exemptions that are established under FFDCA section 408 (l)(6), such as the tolerance in this final rule, do not require the issuance of a proposed rule, the requirements of the Regulatory Flexibility Act (RFA) (5 U.S.C. 601 *et seq.*) do not apply. Nevertheless, the Agency has previously assessed whether establishing tolerances, exemptions from tolerances, raising tolerance levels or expanding exemptions might adversely impact small entities and concluded, as a generic matter, that there is no adverse economic impact. The factual basis for the Agency's generic certification for tolerance actions published on May 4, 1981 (46 FR 24950), and was provided to the Chief Counsel for Advocacy of the Small Business Administration.

X. Submission to Congress and the General Accounting Office

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

List of Subjects in 40 CFR Part 180

Environmental protection, Administrative practice and procedure, Agricultural commodities, Pesticides and pests, Reporting and recordkeeping requirements.

Dated: August 26, 1997.

Peter Caulkins,

Acting Director, Registration Division, Office of Pesticide Programs.

Therefore, 40 CFR chapter I is amended as follows:

PART 180—[AMENDED]

1. The authority citation for part 180 continues to read as follows:

Authority : 21 U.S.C. 346a and 371.

2. In § 180.442, by alphabetically inserting the following item into the table in paragraph (b) to read as follows:

§ 180.442 Bifenthrin; tolerances for residues.

* * * * *

(b) * * *

Commodity	Parts per million	Expiration/Revocation Date
Canola, Seed	0.5	9/30/98
* * *	* * * *	

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[FR Doc. 97–23720 Filed 9–4–97; 8:45 am]

BILLING CODE 6560–50–F

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Parts 180 and 186

[OPP–300536; FRL–5738–9]

RIN 2070–AB78

2,4–D; Pesticide Tolerances for Emergency Exemptions

AGENCY: Environmental Protection Agency (EPA).

ACTION: Final rule.

SUMMARY: This regulation establishes a time-limited tolerance for 2,4-dichlorophenoxyacetic acid (2,4-D) in or on wild rice. This action is in response to EPA's granting of an emergency exemption under section 18 of the Federal Insecticide, Fungicide, and Rodenticide Act authorizing use of the pesticide on wild rice. This regulation establishes a maximum permissible level for residues of 2,4-D in this food

commodity pursuant to section 408(l)(6) of the Federal Food, Drug, and Cosmetic Act, as amended by the Food Quality Protection Act of 1996. The tolerance will expire and is revoked on August 31, 1998.

DATES: This regulation is effective September 5, 1997. Objections and requests for hearings must be received by EPA on or before November 4, 1997.

ADDRESSES: Written objections and hearing requests, identified by the docket control number, [OPP–300536], must be submitted to: Hearing Clerk (1900), Environmental Protection Agency, Rm. M3708, 401 M St., SW., Washington, DC 20460. Fees accompanying objections and hearing requests shall be labeled ''Tolerance Petition Fees'' and forwarded to: EPA Headquarters Accounting Operations Branch, OPP (Tolerance Fees), P.O. Box 360277M, Pittsburgh, PA 15251. A copy of any objections and hearing requests filed with the Hearing Clerk identified by the docket control number, [OPP–300536], must also be submitted to: Public Information and Records Integrity Branch, Information Resources and Services Division (7506C), Office of Pesticide Programs, Environmental Protection Agency, 401 M St., SW., Washington, DC 20460. In person, bring a copy of objections and hearing requests to Rm. 1132, CM #2, 1921 Jefferson Davis Hwy., Arlington, VA.

A copy of objections and hearing requests filed with the Hearing Clerk may also be submitted electronically by sending electronic mail (e-mail) to: opp-docket@epamail.epa.gov. Copies of objections and hearing requests must be submitted as an ASCII file avoiding the use of special characters and any form of encryption. Copies of objections and hearing requests will also be accepted on disks in WordPerfect 5.1 file format or ASCII file format. All copies of objections and hearing requests in electronic form must be identified by the docket control number [OPP–300536]. No Confidential Business Information (CBI) should be submitted through e-mail. Electronic copies of objections and hearing requests on this rule may be filed online at many Federal Depository Libraries.

FOR FURTHER INFORMATION CONTACT: By mail: Daniel Rosenblatt, Registration Division 7505C, Office of Pesticide Programs, Environmental Protection Agency, 401 M St., SW., Washington, DC 20460. Office location, telephone number, and e-mail address: Crystal Mall #2, 1921 Jefferson Davis Hwy., Arlington, VA, (703) 308–9375, e-mail: rosenblatt.dan@epamail.epa.gov.

SUPPLEMENTARY INFORMATION: EPA, on its own initiative, pursuant to section 408(e) and (l)(6) of the Federal Food, Drug, and Cosmetic Act (FFDCA), 21 U.S.C. 346a(e) and (l)(6), is establishing a tolerance for residues of the herbicide 2,4-dichlorophenoxyacetic acid, in or on wild rice at 0.1 parts per million (ppm). This tolerance will expire and is revoked on August 31, 1998. EPA will publish a document in the **Federal Register** to remove the revoked tolerance from the Code of Federal Regulations.

I. Background and Statutory Authority

The Food Quality Protection Act of 1996 (FQPA) (Pub. L. 104–170) was signed into law August 3, 1996. FQPA amends both the Federal Food, Drug, and Cosmetic Act (FFDCA), 21 U.S.C. 301 *et seq*., and the Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA), 7 U.S.C. 136 *et seq* . The FQPA amendments went into effect immediately. Among other things, FQPA amends FFDCA to bring all EPA pesticide tolerance-setting activities under a new section 408 with a new safety standard and new procedures. These activities are described below and discussed in greater detail in the final rule establishing the time-limited tolerance associated with the emergency exemption for use of propiconazole on sorghum (61 FR 58135, November 13, 1996)(FRL–5572–9).

New section 408(b)(2)(A)(i) of the FFDCA allows EPA to establish a tolerance (the legal limit for a pesticide chemical residue in or on a food) only if EPA determines that the tolerance is ''safe.'' Section 408(b)(2)(A)(ii) defines ''safe'' to mean that ''there is a reasonable certainty that no harm will result from aggregate exposure to the pesticide chemical residue, including all anticipated dietary exposures and all other exposures for which there is reliable information.'' This includes exposure through drinking water and in residential settings, but does not include occupational exposure. Section 408(b)(2)(C) requires EPA to give special consideration to exposure of infants and children to the pesticide chemical residue in establishing a tolerance and to ''ensure that there is a reasonable certainty that no harm will result to infants and children from aggregate exposure to the pesticide chemical residue....''

Section 18 of FIFRA authorizes EPA to exempt any Federal or State agency from any provision of FIFRA, if EPA determines that ''emergency conditions exist which require such exemption.'' This provision was not amended by FQPA. EPA has established regulations governing such emergency exemptions in 40 CFR part 166.

Section 408(l)(6) of the FFDCA requires EPA to establish a time-limited tolerance or exemption from the requirement for a tolerance for pesticide chemical residues in food that will result from the use of a pesticide under an emergency exemption granted by EPA under section 18 of FIFRA. Such tolerances can be established without providing notice or period for public comment.

Because decisions on section 18-related tolerances must proceed before EPA reaches closure on several policy issues relating to interpretation and implementation of the FQPA, EPA does not intend for its actions on such tolerance to set binding precedents for the application of section 408 and the new safety standard to other tolerances and exemptions.

II. Emergency Exemption for 2,4-D on Wild Rice and FFDCA Tolerances

The cultivation of wild rice involves flooding fields. Common waterplantain (*Alisma plantage-aquatica*) is an aquatic plant pest that has established itself in areas where wild rice is produced. There are no herbicides registered for use on wild rice. An analysis submitted in support of the FIFRA section 18 exemption for this use suggests that common waterplantain will reduce yields in Minnesota by approximately 50% in certain areas. EPA considers that this loss lies outside the range of normal profitability fluctuation. Such loss would, therefore, represent a significant economic loss for growers. Therefore, EPA has authorized under FIFRA section 18 the use of 2,4-D on wild rice for control of common waterplantain in Minnesota. After having reviewed the submission, EPA concurs that emergency conditions exist for this state.

As part of its assessment of this emergency exemption, EPA assessed the potential risks presented by residues of 2,4-D in or on wild rice. In doing so, EPA considered the new safety standard in FFDCA section 408(b)(2), and EPA decided that the necessary tolerance under FFDCA section 408(l)(6) would be consistent with the new safety standard and with FIFRA section 18. Consistent with the need to move quickly on the emergency exemption in order to address an urgent non-routine situation and to ensure that the resulting food is safe and lawful, EPA is issuing this tolerance without notice and opportunity for public comment under section 408(e), as provided in section 408(l)(6). Although this tolerance will expire and is revoked on August 31,

1998, under FFDCA section 408(l)(5), residues of the pesticide not in excess of the amounts specified in the tolerance remaining in or on wild rice after that date will not be unlawful, provided the pesticide is applied in a manner that was lawful under FIFRA. EPA will take action to revoke this tolerance earlier if any experience with, scientific data on, or other relevant information on this pesticide indicate that the residues are not safe.

Because this tolerance is being approved under emergency conditions EPA has not made any decisions about whether 2,4-D meets EPA's registration requirements for use on wild rice or whether a permanent tolerance for this use would be appropriate. Under these circumstances, EPA does not believe that this tolerance serves as a basis for registration of 2,4-D by a State for special local needs under FIFRA section 24(c). Nor does this tolerance serve as the basis for any State other than Minnesota to use this pesticide on this crop under section 18 of FIFRA without following all provisions of section 18 as identified in 40 CFR part 166. For additional information regarding the emergency exemption for 2,4-D, contact the Agency's Registration Division at the address provided above.

III. Risk Assessment and Statutory Findings

EPA performs a number of analyses to determine the risks from aggregate exposure to pesticide residues. First, EPA determines the toxicity of pesticides based primarily on toxicological studies using laboratory animals. These studies address many adverse health effects, including (but not limited to) reproductive effects, developmental toxicity, toxicity to the nervous system, and carcinogenicity. Second, EPA examines exposure to the pesticide through the diet (e.g., food and drinking water) and through exposures that occur as a result of pesticide use in residential settings.

A. Toxicity

1. *Threshold and non-threshold effects.* For many animal studies, a dose response relationship can be determined, which provides a dose that causes adverse effects (threshold effects) and doses causing no observed effects (the ''no-observed effect level'' or ''NOEL'').

Once a study has been evaluated and the observed effects have been determined to be threshold effects, EPA generally divides the NOEL from the study with the lowest NOEL by an uncertainty factor (usually 100 or more) to determine the Reference Dose (RfD). The RfD is a level at or below which daily aggregate exposure over a lifetime will not pose appreciable risks to human health. An uncertainty factor (sometimes called a ''safety factor'') of 100 is commonly used since it is assumed that people may be up to 10 times more sensitive to pesticides than the test animals, and that one person or subgroup of the population (such as infants and children) could be up to 10 times more sensitive to a pesticide than another. In addition, EPA assesses the potential risks to infants and children based on the weight of the evidence of the toxicology studies and determines whether an additional uncertainty factor is warranted. Thus, an aggregate daily exposure to a pesticide residue at or below the RfD (expressed as 100% or less of the RfD) is generally considered acceptable by EPA. EPA generally uses the RfD to evaluate the chronic risks posed by pesticide exposure. For shorter term risks, EPA calculates a margin of exposure (MOE) by dividing the estimated human exposure into the NOEL from the appropriate animal study. Commonly, EPA finds MOEs lower than 100 to be unacceptable. This 100-fold MOE is based on the same rationale as the 100-fold uncertainty factor.

Lifetime feeding studies in two species of laboratory animals are conducted to screen pesticides for cancer effects. When evidence of increased cancer is noted in these studies, the Agency conducts a weight of the evidence review of all relevant toxicological data including short-term and mutagenicity studies and structure activity relationship. Once a pesticide has been classified as a potential human carcinogen, different types of risk assessments (e.g., linear low dose extrapolations or MOE calculation based on the appropriate NOEL) will be carried out based on the nature of the carcinogenic response and the Agency's knowledge of its mode of action.

2. *Differences in toxic effect due to exposure duration.* The toxicological effects of a pesticide can vary with different exposure durations. EPA considers the entire toxicity data base, and based on the effects seen for different durations and routes of exposure, determines which risk assessments should be done to assure that the public is adequately protected from any pesticide exposure scenario. Both short and long durations of exposure are always considered. Typically, risk assessments include ''acute'', ''short-term'', ''intermediate term'', and ''chronic'' risks. These assessments are defined by the Agency as follows.

Acute risk, by the Agency's definition, results from 1-day consumption of food and water, and reflects toxicity which could be expressed following a single oral exposure to the pesticide residues. High end exposure to food and water residues are typically assumed.

Short-term risk results from exposure to the pesticide for a period of 1-7 days, and therefore overlaps with the acute risk assessment. Historically, this risk assessment was intended to address primarily dermal and inhalation exposure which could result, for example, from residential pesticide applications. However, since enaction of FQPA, this assessment has been expanded to include both dietary and non-dietary sources of exposure, and will typically consider exposure from food, water, and residential uses when reliable data are available. In this assessment, risks from average food and water exposure, and high-end residential exposure, are aggregated. High-end exposures from all three sources are not typically added because of the very low probability of this occurring in most cases, and because the other conservative assumptions built into the assessment assure adequate protection of public health. However, for cases in which high-end exposure can reasonably be expected from multiple sources (e.g. frequent and widespread homeowner use in a specific geographical area), multiple high-end risks will be aggregated and presented as part of the comprehensive risk assessment/characterization. Since the toxicological endpoint considered in this assessment reflects exposure over a period of at least 7 days, an additional degree of conservatism is built into the assessment; i.e., the risk assessment nominally covers 1-7 days exposure, and the toxicological endpoint/NOEL is selected to be adequate for at least 7 days of exposure. Toxicity results at lower levels when the dosing duration is increased.

Intermediate-term risk results from exposure for 7 days to several months. This assessment is handled in a manner similar to the short-term risk assessment.

Chronic risk assessment describes risk which could result from several months to a lifetime of exposure. For this assessment, risks are aggregated considering average exposure from all sources for representative population subgroups including infants and children.

B. Aggregate Exposure

In examining aggregate exposure, FFDCA section 408 requires that EPA take into account available and reliable

information concerning exposure from the pesticide residue in the food in question, residues in other foods for which there are tolerances, residues in groundwater or surface water that is consumed as drinking water, and other non-occupational exposures through pesticide use in gardens, lawns, or buildings (residential and other indoor uses). Dietary exposure to residues of a pesticide in a food commodity are estimated by multiplying the average daily consumption of the food forms of that commodity by the tolerance level or the anticipated pesticide residue level. The Theoretical Maximum Residue Contribution (TMRC) is an estimate of the level of residues consumed daily if each food item contained pesticide residues equal to the tolerance. In evaluating food exposures, EPA takes into account varying consumption patterns of major identifiable subgroups of consumers, including infants and children. The TMRC is a ''worst case'' estimate since it is based on the assumptions that food contains pesticide residues at the tolerance level and that 100% of the crop is treated by pesticides that have established tolerances. If the TMRC exceeds the RfD or poses a lifetime cancer risk that is greater than approximately one in a million, EPA attempts to derive a more accurate exposure estimate for the pesticide by evaluating additional types of information (anticipated residue data and/or percent of crop treated data) which show, generally, that pesticide residues in most foods when they are eaten are well below established tolerances.

Percent of crop treated estimates are derived from federal and private market survey data. Typically, a range of estimates are supplied and the upper end of this range is assumed for the exposure assessment. By using this upper end estimate of percent of crop treated, the Agency is reasonably certain that exposure is not understated for any significant subpopulation group. Further, regional consumption information is taken into account through EPA's computer-based model for evaluating the exposure of significant subpopulations including several regional groups, to pesticide residues. For this pesticide, the most highly exposed population subgroup (infants less than a year old) was not regionally based.

IV. Aggregate Risk Assessment and Determination of Safety

Consistent with section 408(b)(2)(D), EPA has reviewed the available scientific data and other relevant information in support of this action, EPA has sufficient data to assess the hazards of 2,4-D and to make a determination on aggregate exposure, consistent with section 408(b)(2), for a time-limited tolerance for residues of 2,4-dichlorophenoxyacetic acid on wild rice at 0.1 ppm. EPA's assessment of the dietary exposures and risks associated with establishing the tolerance follows.

A. Toxicological Profile

EPA has evaluated the available toxicity data and considered its validity, completeness, and reliability as well as the relationship of the results of the studies to human risk. EPA has also considered available information concerning the variability of the sensitivities of major identifiable subgroups of consumers, including infants and children. The nature of the toxic effects caused by 2,4-D are discussed below.

1. *Acute toxicity*. For the purpose of the acute dietary risk assessment, EPA recommends use of a NOEL of 67 mg/kg/day from the rat acute neurotoxicity study. The effects observed at the LOEL of 227 mg/kg/day were increased incidence of incoordination, slight gait abnormalities, and decreased motor activity. As neurotoxicity is the effect of concern, this risk assessment will evaluate acute dietary risk to all population subgroups.

2. *Short - and intermediate - term toxicity.* For short-term MOE calculations, EPA supports use of the maternal NOEL of 30 mg/kg/day from the oral developmental toxicity study in rabbits. The Lowest Effect Level (LEL) was 90 mg/kg/day, based on abortions, ataxia, decreased motor activity, cold extremities during gestation, and decreased weight gain. For intermediate-term dermal MOE calculations, EPA recommended use of the NOEL of 1.0 mg/kg/day from the 90–day oral toxicity study in dogs. The LEL of 3 mg/kg/day was based on clinical chemistry changes and lesions in the kidneys. For short- and intermediate-term inhalation risk, EPA concludes that exposure by the inhalation route was of no concern and that this risk assessment was not required for any exposure duration.

3. *Chronic toxicity*. EPA has established the RfD for 2,4-D at 0.01 milligrams/kilogram/day (mg/kg/day). This RfD is based on a 1–year oral toxicity study in dogs with a NOEL of 1 mg/kg/day and an uncertainty factor of 100. The LEL of 5 mg/kg/day was based on alterations in serum chemistry with corroborative histopathological lesions in the liver and kidneys.

4. *Carcinogenicity*. EPA's Cancer Peer Review Committee has classified 2,4-D as a Group D chemical (''not classifiable as to human carcinogenicity'') on the basis that, ''the evidence is inadequate and cannot be interpreted as showing either the presence or absence of a carcinogenic effect.''

B. Exposures and Risks

1. *From food and feed uses.* Tolerances have been established (40 CFR 180.142) for residues of 2,4-D as the acid or various of its salts and esters, in or on a variety of raw agricultural commodities, including rice. In addition, there are also tolerances for 2,4-D for meat, milk, and eggs. Risk assessments were conducted by EPA to assess dietary exposures and risks from 2,4-D as follows:

i. *Acute exposure and risk.* Acute dietary risk assessments are performed for a food-use pesticide if a toxicological study has indicated the possibility of an effect of concern occurring as a result of a one day or single exposure. Wild rice is not uniquely identified in the system which the Agency uses to calculate acute and chronic dietary risk. Therefore, the Agency must estimate the additional exposure to 2,4-D associated with this use. Based on the proposed tolerance level and the probable low average consumption of this commodity, the Agency believes it is likely that any incremental increase in acute dietary risk would be negligible. In addressing this area, the Agency assessed the potential acute dietary exposure from 2,4-D based on all of the chemical's existing tolerances and uses. For this analysis, EPA assumed tolerance level residues and 100% crop-treated. MOEs were calculated for all population subgroups. MOEs ranged from 112 for infants (less than 1 year old) to 558 for males and females 13 years and older. Although these MOEs do not represent a level of concern to EPA, if the analysis were to incorporate anticipated residue levels and actual percent crop-treated, the MOEs would be even larger. Therefore, this assessment should be viewed as conservative.

ii. *Chronic exposure and risk.* As mentioned above, wild rice is not a commodity that is uniquely identified in the Agency's current food consumption data system. However, EPA has estimated that the incremental chronic dietary risk from this Section 18 use of 2,4-D on wild rice adds less than 1 percent to the RfD values for this chemical. For the purpose of assessing potential chronic dietary exposure from 2,4-D, EPA assumed Anticipated Residue Contributions (ARCs) for major identifiable subgroups of consumers, including infants and children, from the

existing uses of 2,4-D. The RfD values range from 58% for non-nursing infants less than 1 year old to 31% for the U.S. population (48 states).

2. *From drinking water.* In examining aggregate exposure, FQPA directs EPA to consider available information concerning exposures from the pesticide residues in food and all other non-occupational exposures. The primary non-food sources of exposure the Agency looks at include drinking water (whether from ground or surface water), and exposure through pesticide use in gardens, lawns, or buildings (residential and other indoor uses). Based on data available to EPA, 2,4-D is soluble in water. The average field half-life is 10 days. The chemical is potentially mobile, but rapid degradation in soil and removal by plant uptake minimizes leaching. A Maximum Contaminant Level (MCL) of 0.07 mg/L has been established. In addition, the following Health Advisories (HAs) have been established: for a 10-kg child, a range of 1 mg/L from 1–day exposure to 0.1 mg/L for longer-term exposure up to 7 years; for a 70 kg adult, a range of 0.4 mg/L for longer-term exposure to 0.07 mg/L for lifetime exposure.

i. *Acute exposure and risk.* EPA developed acute exposure levels for adults and children assuming the high end residue value of 57.1 micrograms/L in drinking water. Adult exposure was calculated to be 1.6×10^{-3} mg/kg/day. Child exposure was calculated to be 5.7×10^{-3} mg/kg/day. The child exposure calculations assumed a body weight of 10 kg and all the drinking water consumed in the United States was assumed to contain the high end level of residues (57 micrograms/L). The assessment is quite conservative since only just over 2% of all wells monitored from 1979-1991 contained detectable residues of 2,4-D. The adult calculations assumed a body weight of 70 kg and the high end of residue (57 micrograms/L). The acute NOEL for 2,4-D is 67 mg/kg/day. The acute MOE is thus calculated to be 42,000 for adults and 12,000 for children.

ii. *Chronic exposure and risk.* The RfD for 2,4-D is 0.01 mg/kg/day. Thus, the levels of adult and child exposure correspond to a chronic dietary (water only) exposure of 16% of the RfD for adults and 57% of the RfD for children.

Because the Agency lacks sufficient water-related exposure data to complete a comprehensive drinking water risk assessment for many pesticides, EPA has commenced and nearly completed a process to identify a reasonable yet conservative bounding figure for the potential contribution of water-related exposure to the aggregate risk posed by a pesticide. In developing the bounding figure, EPA estimated residue levels in water for a number of specific pesticides using various data sources. The Agency then applied the estimated residue levels, in conjunction with appropriate toxicological endpoints (RfD's or acute dietary NOEL's) and assumptions about body weight and consumption, to calculate, for each pesticide, the increment of aggregate risk contributed by consumption of contaminated water. While EPA has not yet pinpointed the appropriate bounding figure for exposure from contaminated water, the ranges the Agency is continuing to examine are all below the level that would cause 2,4-D to exceed the RfD if the tolerance being considered in this document were granted. The Agency has therefore concluded that the potential exposures associated with 2,4-D in water, even at the higher levels the Agency is considering as a conservative upper bound, would not prevent the Agency from determining that there is a reasonable certainty of no harm if the tolerance is granted.

3. *From non-dietary exposure.* 2,4-D is currently registered for use on the following residential non-food sites: ornamental turf, lawns, and grasses, golf course turf, recreational areas, and several other indoor and outdoor uses. This herbicide is widely used. By volume, 2,4-D is among the top pesticides used in non-agricultural settings. EPA does not have data on hand upon which to base calculation of non-dietary exposure of 2,4-D for purposes of inclusion in an aggregate risk assessment. However, there are several characteristics of 2,4-D which suggest the chemical presents a low risk from non-dietary, non-occupational exposure, particularly the chemical's high acute toxicity NOEL, the short half life in soil, low dermal penetration and high acute dietary MOE. Further, EPA has concluded that for the purposes of short- and intermediate-term risk, the inhalation route was of no health concern.

4. *Cumulative exposure to substances with common mechanism of toxicity.* Section 408(b)(2)(D)(v) requires that, when considering whether to establish, modify, or revoke a tolerance, the Agency consider ''available information'' concerning the cumulative effects of a particular pesticide's residues and ''other substances that have a common mechanism of toxicity.''The Agency believes that ''available information'' in this context might include not only toxicity, chemistry, and exposure data, but also scientific policies and methodologies for understanding common mechanisms of toxicity and conducting cumulative risk assessments. For most pesticides, although the Agency has some information in its files that may turn out to be helpful in eventually determining whether a pesticide shares a common mechanism of toxicity with any other substances, EPA does not at this time have the methodologies to resolve the complex scientific issues concerning common mechanism of toxicity in a meaningful way. EPA has begun a pilot process to study this issue further through the examination of particular classes of pesticides. The Agency hopes that the results of this pilot process will increase the Agency's scientific understanding of this question such that EPA will be able to develop and apply scientific principles for better determining which chemicals have a common mechanism of toxicity and evaluating the cumulative effects of such chemicals. The Agency anticipates, however, that even as its understanding of the science of common mechanisms increases, decisions on specific classes of chemicals will be heavily dependent on chemical specific data, much of which may not be presently available.

Although at present the Agency does not know how to apply the information in its files concerning common mechanism issues to most risk assessments, there are pesticides as to which the common mechanism issues can be resolved. These pesticides include pesticides that are toxicologically dissimilar to existing chemical substances (in which case the Agency can conclude that it is unlikely that a pesticide shares a common mechanism of activity with other substances) and pesticides that produce a common toxic metabolite (in which case common mechanism of activity will be assumed).

EPA does not have, at this time, available data to determine whether 2,4-D has a common mechanism of toxicity with other substances or how to include this pesticide in a cumulative risk assessment. Unlike other pesticides for which EPA has followed a cumulative risk approach based on a common mechanism of toxicity, 2,4-D does not appear to produce a toxic metabolite produced by other substances. For the purposes of this tolerance action, therefore, EPA has not assumed that 2,4-D has a common mechanism of toxicity with other substances.

C. Aggregate Risks and Determination of Safety for U.S. Population

1. *Acute risk.* EPA calculates acute aggregate risks by taking into account MOEs from food and MOEs from water. As described above in this document,

for the subgroup U.S. population the MOE for food is 223, the MOE for water is 42,000. Taken together, the aggregate MOE is 222. This figure does not exceed the Agency's level of concern for acute dietary exposure.

2. *Chronic risk.* Using the ARC exposure assumptions described above, EPA has concluded that aggregate exposure to 2,4-D from food and water will utilize 47% of the RfD for the U.S. population. The major identifiable subgroup with the highest aggregate exposure is infants and children. See below for a discussion of the analysis of the risks for that subgroup. EPA generally has no concern for exposures below 100% of the RfD because the RfD represents the level at or below which daily aggregate dietary exposure over a lifetime will not pose appreciable risks to human health. Despite the potential for exposure to 2,4-D in drinking water and from non-dietary, non-occupational exposure, EPA does not expect the aggregate exposure to exceed 100% of the RfD. EPA concludes that there is a reasonable certainty that no harm will result from aggregate exposure to 2,4-D residues.

D. Aggregate Risks and Determination of Safety for Infants and Children

1. *Safety factor for infants and children.* i. In assessing the potential for additional sensitivity of infants and children to residues of 2,4-D, EPA considered data from developmental toxicity studies in the rat and rabbit and a two-generation reproduction study in the rat. The developmental toxicity studies are designed to evaluate adverse effects on the developing organism resulting from maternal pesticide exposure during gestation. Reproduction studies provide information relating to effects from exposure to the pesticide on the reproductive capability of mating animals and data on systemic toxicity.

FFDCA section 408 provides that EPA shall apply an additional tenfold margin of safety for infants and children in the case of threshold effects to account for pre-and post-natal toxicity and the completeness of the database unless EPA determines that a different margin of safety will be safe for infants and children. Margins of safety are incorporated into EPA risk assessments either directly through use of a MOE analysis or through using uncertainty (safety) factors in calculating a dose level that poses no appreciable risk to humans. EPA believes that reliable data support using the standard 100-fold safety factor (usually 100 for combined inter- and intra-species variability)) and not the additional tenfold safety factor when EPA has a complete data base under existing guidelines and when the severity of the effect in infants or children or the potency or unusual toxic properties of a compound do not raise concerns regarding the adequacy of the standard safety factor.

ii. *Developmental toxicity studies.* In the rat developmental toxicity analysis, the maternal NOEL was greater than 75 mg/kg/day at the highest dose tested (HDT). The developmental (fetal) NOEL was 25 mg/kg/day, based on delayed ossification at the developmental LOEL of 75 mg/kg/day. In the rabbit developmental toxicity study, the maternal NOEL was 30 mg/kg/day, based on ataxia, decreased motor activity, cold extremities, and decreased body weight gain at the LOEL of 90 mg/kg/day. The developmental (fetal) NOEL was 90 mg/kg/day.

iii. *Reproductive toxicity study.* In the 2-generation reproductive toxicity study in rats, the parental (systemic) NOEL of 5 mg/kg/day was based on degenerative effects in the kidneys of males and decreased body weight gain in females at the LOEL of 20 mg/kg/day. The reproductive (pup) NOEL was 5 mg/kg/day, based on decreased pup weight at the LEL of 20 mg/kg/day. The reproductive effects occurred in the presence of parental toxicity.

iv. *Pre- and post-natal sensitivity.* The pre and post-natal toxicology data base for 2,4-D is complete with respect to current data requirements. In the developmental toxicity study in rats, evidence of toxicity occurred in developing fetuses (NOEL of 25 mg/kg/day) in the absence of maternal toxicity. This finding suggests that extra pre-natal sensitivity may be present in rat fetuses exposed to 2,4-D in the absence of maternal toxicity. However, the results from the developmental toxicity study in rabbits demonstrate that maternal toxicity occurred (NOEL of 30 mg/kg/day) in the absence of developmental toxicity (NOEL of 90 mg/kg/day), thus suggesting no extra pre-natal sensitivity. Since the developmental NOELs for rats (25-fold) and rabbits (90-fold) are greater than the RfD NOEL of 1 mg/kg/day from the 1–year oral toxicity study in dogs, an additional uncertainty factor to protect infants and children is not warranted.

v. *Conclusion.* Based on the reproductive toxicity study in rats discussed above, there does not appear to be an increased sensitivity for pre- and post-natal effects. Based on these findings, EPA concludes that reliable data support use of the standard 100-fold margin of exposure/uncertainty factor and that an additional margin/ factor is not needed for 2,4-D to protect the safety of infants and children.

2. *Acute risk.* EPA has determined aggregate MOE calculations which incorporate exposure to 2,4-D from food and water. The aggregate MOEs for 2,4-D are: 111 for infants less than a year old, 147 for children 1-6 years old, and 556 for females 13 and older. These MOEs do not exceed EPA's level of concern. Further, they were prepared using conservative risk estimates; data refinement would result in lower acute aggregate exposure estimates. Therefore, EPA concludes that there is a reasonable certainty that no harm will result to infants and children from aggregate exposure to 2,4-D residues.

3. *Chronic risk.* Using the conservative exposure assumptions described above, EPA has concluded that aggregate exposure to 2,4-D from food and water will utilize 87% of the RfD for nursing infants, 115% for non-nursing infants, 114% for children 1-6 years old, and 100% for children 7-12 years old. EPA notes that the food exposure estimate is partially refined while the water estimate is quite conservative. Further refinement using additional anticipated residue values in crops and percent crop-treated information, and well water monitoring data would result in lower chronic dietary (food) and chronic dietary (water) exposure estimates, thus reducing the aggregate risk estimate. Given these factors, along with the completeness and reliability of the toxicity data, EPA concludes that there is a reasonable certainty that no harm will result to infants and children from aggregate chronic exposure to 2,4-D residues.

V. Other Considerations

A. Metabolism in Plants and Animals

The nature of the residue of 2,4-D is adequately understood. The regulable residue is 2,4-D per se, as established in 40 CFR 180.142. No livestock feed issues are raised by this action.

B. Analytical Enforcement Methodology

EN-CAS Method ENC-2/93 is available to enforce this time-limited tolerance on wild rice.

C. Magnitude of Residues

Adequate residue data are available to support a time-limited tolerance for residues of 2,4-D in/on wild rice at 0.1 ppm. Wild rice hulls, obtained from processing, have no recognized food or feed use. Secondary residues are not expected in meat, milk, poultry, or eggs from this use since no feed items are associated with wild rice. Further, the

label restricts against use of treated water to irrigate other crops or to water livestock.

D. International Residue Limits

There are no Codex, Canadian, or Mexican maximum residue limits (MRLs) for use of 2,4-D on wild rice. Therefore, international harmonization is not an issue for this commodity. There is a Codex MRL of 0.05 ppm for 2,4-D on rice, a Mexican MRL of 0.1 ppm for 2,4-D on rice; and a Canadian MRL of 0.1 ppm for 2,4-D on cereal grains.

VI. Conclusion

Therefore, the time limited tolerance is established for residues of 2,4-dichlorophenoxyacetic acid in wild rice at 0.1 ppm. Since the FQPA has eliminated the distinctions between processed food, feed, and raw agricultural commodities, the tolerance in § 186.1450 is being renumbered and transfered to § 180.142(a)(12). Therefore, § 186.1450 is being removed.

VII. Objections and Hearing Requests

The new FFDCA section 408(g) provides essentially the same process for persons to ''object'' to a tolerance regulation issued by EPA under new section 408(e) and (l)(6) as was provided in the old section 408 and in section 409. However, the period for filing objections is 60 days, rather than 30 days. EPA currently has procedural regulations which govern the submission of objections and hearing requests. These regulations will require some modification to reflect the new law. However, until those modifications can be made, EPA will continue to use those procedural regulations with appropriate adjustments to reflect the new law.

Any person may, by November 4, 1997, file written objections to any aspect of this regulation and may also request a hearing on those objections. Objections and hearing requests must be filed with the Hearing Clerk, at the address given above (40 CFR 178.20). A copy of the objections and/or hearing requests filed with the Hearing Clerk should be submitted to the OPP docket for this rulemaking. The objections submitted must specify the provisions of the regulation deemed objectionable and the grounds for the objections (40 CFR 178.25). Each objection must be accompanied by the fee prescribed by 40 CFR 180.33(i). If a hearing is requested, the objections must include a statement of the factual issues on which a hearing is requested, the requestor's contentions on such issues, and a summary of any evidence relied upon by the requestor (40 CFR 178.27). A request for a hearing will be granted if the Administrator determines that the material submitted shows the following: There is genuine and substantial issue of fact; there is a reasonable possibility that available evidence identified by the requestor would, if established, resolve one or more of such issues in favor of the requestor, taking into account uncontested claims or facts to the contrary; and resolution of the factual issues in the manner sought by the requestor would be adequate to justify the action requested (40 CFR 178.32). Information submitted in connection with an objection or hearing request may be claimed confidential by marking any part or all of that information as Confidential Business Information (CBI). Information so marked will not be disclosed except in accordance with procedures set forth in 40 CFR part 2. A copy of the information that does not contain CBI must be submitted for inclusion in the public record. Information not marked confidential may be disclosed publicly by EPA without prior notice.

VIII. Public Record

EPA has established a record for this rulemaking under docket control number [OPP–300536] (including any comments and data submitted electronically). A public version of this record, including printed, paper versions of electronic comments, which does not include any information claimed as CBI, is available for inspection from 8:30 a.m. to 4 p.m., Monday through Friday, excluding legal holidays. The public record is located in Room 1132 of the Public Information and Records Integrity Branch, Information Resources and Services Division (7506C), Office of Pesticide Programs, Environmental Protection Agency, Crystal Mall #2, 1921 Jefferson Davis Highway, Arlington, VA.

Electronic comments may be sent directly to EPA at:

opp-docket@epamail.epa.gov.

Electronic comments must be submitted as an ASCII file avoiding the use of special characters and any form of encryption.

The official record for this rulemaking, as well as the public version, as described above will be kept in paper form. Accordingly, EPA will transfer any copies of objections and hearing requests received electronically into printed, paper form as they are received and will place the paper copies in the official rulemaking record which will also include all comments submitted directly in writing. The official rulemaking record is the paper record maintained at the Virginia address in ''ADDRESSES'' at the beginning of this document.

IX. Regulatory Assessment Requirements

This final rule establishes a time-limited tolerance under FFDCA section 408(d). The Office of Management and Budget (OMB) has exempted these types of actions from review under Executive Order 12866, entitled Regulatory Planning and Review (58 FR 51735, October 4, 1993). This final rule does not contain any information collections subject to OMB approval under the Paperwork Reduction Act (PRA), 44 U.S.C. 3501 *et seq.*, or impose any enforceable duty or contain any unfunded mandate as described under Title II of the Unfunded Mandates Reform Act of 1995 (UMRA) (Pub. L. 104–4). Nor does it require any prior consultation as specified by Executive Order 12875, entitled Enhancing the Intergovernmental Partnership (58 FR 58093, October 28, 1993), or special considerations as required by Executive Order 12898, entitled Federal Actions to Address Environmental Justice in Minority Populations and Low-Income Populations (59 FR 7629, February 16, 1994), or require OMB review in accordance with Executive Order 13045, entitled Protection of Children from Environmental Health Risks and Safety Risks (62 FR 19885, April 23, 1997).

In addition, since these tolerances and exemptions that are established on the basis of a petition under FFDCA section 408 (d), such as the tolerance in this final rule, do not require the issuance of a proposed rule, the requirements of the Regulatory Flexibility Act (RFA) (5 U.S.C. 601 *et seq.*) do not apply. Nevertheless, the Agency has previously assessed whether establishing tolerances, exemptions from tolerances, raising tolerance levels or expanding exemptions might adversely impact small entities and concluded, as a generic matter, that there is no adverse economic impact. The factual basis for the Agency's generic certification for tolerance actions published on May 4, 1981 (46 FR 24950), and was provided to the Chief Counsel for Advocacy of the Small Business Administration.

X. Submission to Congress and the General Accounting Office

Under 5 U.S.C. 801(a)(1)(A), as added by the Small Business Regulatory Enforcement Fairness Act of 1996, the Agency has submitted a report containing this rule and other required information to the U.S. Senate, the U.S. House of Representatives, and the

Comptroller General of the General Accounting Office prior to publication of this rule in today's **Federal Register**. This is not a ''major rule'' as defined by 5 U.S.C. 804(2).

List of Subjects in 40 CFR Parts 180 and 186

Environmental protection, Administrative practice and procedure, Agricultural commodities, Animal feeds, Pesticides and pests, Reporting and recordkeeping requirements.

Dated: August 25, 1997.

James Jones,

Acting Director, Registration Division, Office of Pesticide Programs.

Therefore, 40 CFR chapter I is amended as follows:

PART 180—[AMENDED]

1. The authority citation for part 180 continues to read as follows:

Authority: 21 U.S.C. 346a and 371.

2. Section 180.142 is amended as follows:

i. By adding a heading to paragraph (a), by redesignating paragraphs (a)(1) and (a)(2) as paragraphs (a)(1)(i) and (a)(1)(ii), respectively, by designating the introductory text of paragraph (a) as paragraph (a)(1), and by adding new paragraph (a)(12).

ii. By redesignating the introductory text of paragraph (b) as the introductory text of paragraph (a)(2), and paragraphs (b)(1), (b)(1)(i), (b)(1)(ii), and (b)(2) as paragraphs (a)(2)(i), (a)(2)(i)(A), (a)(2)(i)(B), and (a)(2)(ii), respectively.

iii. By redesignating paragraphs (c) through (k) as paragraphs (a)(3) through (a)(11), respectively.

iv. By adding a new paragraph (b).

v. By adding and reserving paragraphs (c) and (d) with headings.

§ 180.142 2,4-D; tolerances for residues.

(a) *General.* * * *

(12) The following tolerances are established for residues of 2,4-D (2,4-dichloro-phenoxyacetic acid) in the following processed feeds. Such residues may be present therein only as a result of application to the growing crop of the herbicides identified in this section:

(i) 5 parts per million in sugarcane bagasse and sugarcane molasses.

(ii) 2 parts per million in the milled fractions derived from barley, oats, rye, and wheat to be ingested as animal feed or converted into animal feed.

(b) *Section 18 emergency exemptions.* A time-limited tolerance is established for 2,4-dichlorophenoxyacetic acid (2,4-D) in or on wild rice in connection with use of the pesticide under a section 18 emergency exemption granted by EPA. The tolerance will expire on the dates specified in the following table.

Commodity	Parts per million	Expiration/Revocation Date
Wild rice	0.1 ppm	August 31, 1998

(c) *Tolerances with regional registrations.* [Reserved]

(d) *Indirect or inadvertent residues.* [Reserved]

2. In part 186:

a. The authority citation for part 186 continues to read as follows:

Authority: 21 U.S.C. 342, 348, and 701.

§ 186.1450 [Removed]

b. Section 186.1450 is removed.

[FR Doc. 97–23684 Filed 9–4–97; 8:45 am]
BILLING CODE 6560–50–F

DEPARTMENT OF TRANSPORTATION

National Highway Traffic Safety Administration

49 CFR Part 571

[Docket No. 85–6; Notice 12]

RIN 2127–AG05

Federal Motor Vehicle Safety Standards; Hydraulic Brake Systems; Passenger Car Brake Systems

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

ACTION: Final rule.

SUMMARY: This document amends Federal Motor Vehicle Safety Standards Nos. 105 *Hydraulic Brake Systems* and 135 *Passenger Car Brake Systems* to accommodate the brake systems on electric vehicles. The amendments address unique characteristics of brake systems on electric vehicles, such as regenerative braking, and are intended to assure safe performance for those brake systems. The amendments of Standard No. 105 apply to electric trucks, buses, and multipurpose passenger vehicles. They also apply to electric passenger cars that have not availed themselves of the option of conforming to Standard No. 135, which is mandatory for all passenger cars manufactured on and after September 1, 2000. The amendments to Standard No. 135 complement those made to Standard No. 105.

DATES: The amendments to both standards are effective October 20, 1997. Compliance with Standard No. 105 is mandatory as of September 1, 1998.

Compliance with Standard No. 135 is mandatory as of September 1, 2000, the effective date of Standard No. 135. Petitions for reconsideration of the final rule must be submitted not later than October 20, 1997.

ADDRESS: Petitions for reconsideration should be addressed to Docket 85–6; Notice 12, and submitted to Docket Room, NHTSA, Room 5108, 400 Seventh St. SW, Washington, DC 20590.

FOR FURTHER INFORMATION CONTACT: Samuel Daniel, Vehicle Dynamics Division, Office of Vehicle Safety Standards, NHTSA (Phone: 202–366–4921).

SUPPLEMENTARY INFORMATION:

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1. Background

On January 15, 1993, NHTSA published a Supplemental Notice of Proposed Rulemaking (SNPRM) concerning brake system performance of electric vehicles (EVs) (Docket No. 85–6; Notice 7, 58 FR 4649). Notice 7 proposed amendments to Standard No. 105, *Hydraulic Brake Systems* and revised portions of a proposed Standard No. 135, *Passenger Car Brake Systems.* Standard No. 135 was issued as a final rule (Notice 8, 60 FR 6411) on February 2, 1995, with an effective date of March 6, 1995. Passenger cars, including EVs, may comply with either Standard No. 105 or Standard No. 135, until September 1, 2000, after which Standard No. 135 will become the sole Federal motor vehicle safety standard for passenger car brakes. Standard No. 105, as amended in this notice, will continue to apply to electrically-powered multipurpose vehicles, trucks, and buses after September 1, 2000, although NHTSA has proposed (Notice 11) that Standard No. 135 be amended to apply, effective September 1, 2002, to multipurpose passenger vehicles, trucks, and buses with a GVWR of 10,000 pounds or less (61 FR 19602).

On September 26, 1995, the agency published a Further Supplemental Notice of Proposed Rulemaking (FSNPRM), Notice 10 (60 FR 49544). Notice 10 refined Notice 7's proposed amendments to Standard Nos. 105, *Hydraulic Brake Systems*, and No. 135, *Passenger Car Brake Systems.* For a detailed history of the development of Federal braking standards for EVs, the reader may consult Notice 7 and Notice 10.

Seven commenters, all motor vehicle manufacturers, responded to Notice 10. They were Toyota Motor Corporation, General Motors Corporation (GM), Chrysler Corporation, Ford Motor Company, Nissan North America, Hydro Quebec (HQ), and Honda. All supported the agency's rulemaking for EV brake systems. Notice 10 solicited specific comment on two general questions: (1) Whether 2 miles is sufficient distance for an EV to attain its maximum speed for compliance test purposes, and (2) whether any EV manufacturer plans to equip its vehicles with a braking system that includes a regenerative braking system (RBS) that does not include an anti-lock braking system (ABS). All seven commenters indicated that 2 miles was sufficient for an EV to obtain maximum speed under most conditions. None of the commenters indicated that they planned to produce EV brake systems that included RBS but excluded ABS.

The following were the specific issues raised by comments to Notice 10.

2. Issues Relating to Definitions

Notice 10 proposed revising the existing definitions of ''Backup system'' and ''Split service brake system'', and adding definitions for ''Electric vehicle or EV'', and ''Regenerative braking system or RBS.'' These would apply to both Standards Nos. 105 and 135. With the minor addition noted below for RBS, the four definitions have been adopted as proposed.

In addition, Notice 10 proposed a definition of ''Maximum speed or Vmax'' for Standard No. 135. Standard No. 135 now contains a definition of the term, thus, this Notice only adds language to the definition that is appropriate for EVs. With reference to RBS, HQ suggested that the term ''dynamic braking'' be adopted for purposes of Standards Nos. 105 and 135. Dynamic braking includes vehicle retardation that results from dissipation of electrical energy when the battery(s) is at a high state of charge as well as the retardation that occurs during battery recharging when the battery(s) state of charge is low. HQ suggested that the RBS definition proposed in Notice 10 be modified to include reference to the dissipation of the energy generated by the propulsion motors. The proposed definition stated that the energy produced by the propulsion motors in the regenerative mode is returned to the battery(s). Dissipation of the electrical energy developed through the RBS could develop braking forces that are not dependent on the state-of-charge of the batteries, according to HQ.

NHTSA agrees with HQ's observations that dissipation of the energy produced by RBS while the propulsion motor(s) are in the regenerative mode was not addressed in the proposed RBS definition. Since RBS control systems with the capability of dissipating energy generated by the RBS are under development, the agency believes that the definition of RBS should include a reference to this capability. Thus, NHTSA is amending the definition proposed in Notice 10 for regenerative braking system (RBS) in Standards Nos. 105 and 135 to state that it ''* * * means a system for recovering or dissipating kinetic energy. * * *'' However, the agency does not believe a definition for ''dynamic braking'' should be added to the braking standards. HQ did not indicate how it would be placed at a disadvantage without the new definition. The definition for dynamic braking recommended by HQ involves a combination of the energy dissipated and stored by the RBS control system. The agency feels that inclusion of the energy dissipation feature in the definition for RBS is sufficient to address HQ's comment.

Nissan commented on the lack of definition of electrically-actuated service brakes'', and asked that the agency adopt one to specify electrically-actuated service brake system components. Toyota recommended that the agency define the term as ''a braking system which converts the electric energy of the battery directly to the braking force.'' In its view, it is necessary to distinguish systems whose main braking power is electrical from those systems in which electric energy is used to operate power assist units such as vacuum and hydraulic pumps. Electrically-operated power assist units should not be considered electrically-actuated service brakes. Honda also asked for a clarification of the term.

Notice 10 uses the term ''electrically-actuated service brakes'' several times in the prospective regulatory text for Standards Nos. 105 and 135, and, as the commenters noted, without proposing a definition for it. One example of use of the term is in proposed paragraphs S5.1.3.5 and S7.11.3 of Standards Nos. 105 and 135 respectively, called *Electric brakes,* which specify partial failure performance requirements for vehicles with any single failure in the electrically-actuated service brakes.

NHTSA believes that Notice 10 contained an adequate explanation of electrically-actuated service brakes, brake power assist units, and electric or electronic transmission or service brake control. Electrically-driven brake power assist units, such as hydraulic pumps or vacuum motors that serve to reduce the driver-applied brake control force, are not electrically-actuated service brake components. Neither are systems in which the brake control signal is transmitted electrically or electronically from the brake control to the foundation brake (commonly known as electronic braking systems). The definition of ''electrically-actuated service brakes'' will read: ''Electrically-actuated service brakes means service brakes that utilize electrical energy to actuate the foundation brakes.''

HQ requested that the definition of ''antilock brake system'' (ABS) in Standards No. 105 and 135 be modified to indicate that ABS is a *capability* of the service brake system. ABS is defined

in the standards as *part* of the service brake system rather than a capability of the service brake system. HQ also suggested that the definition of ''ABS'' be changed by substituting the term ''braking'' for ''brake actuating'' because the latter implies the actuation of a foundation brake. According to HQ, the term ''braking'' would apply to any type of braking force modulation including braking forces generated by vehicle components other than the foundation brakes.

The agency does not concur with these suggested modifications to the definition for ''ABS''. It believes that the braking forces developed by an electric motor(s) in an EV are covered adequately in the definition of ''regenerative braking system.'' Also, most conventional braking systems need to have specific hardware added to accomplish the ABS function. The agency has concluded that the current definition of RBS adequately addresses the braking system design features described by HQ.

3. Partial Failure (Standard No. 105)

Notice 10 proposed adding partial failure provisions to Standard No. 105 in a new paragraph S5.1.2.3., that a vehicle ''shall be capable of stopping from 60 mph within the corresponding distance specified in Column IV of Table II when there is a single failure in an electric brake circuit, and with all other systems intact.'' This was supported and has been adopted.

In addition, new wording was proposed under the partial failure requirements to address failures of an RBS that is part of the service brake system, since the RBS is not a separate ''circuit'' of the service brake system. This, too, was supported and has been adopted.

4. Issues Relating to RBS

A. RBS as Part of the Service Brake System

Notice 10 proposed that RBS would be ''considered to be part of the service brake system if it is automatically activated by an application of the service brake control, if there is no means provided for the driver to disconnect or otherwise deactivate it, and if the vehicle has no 'neutral' transmission position.''

GM indicated that the existence of a neutral transmission position should not exclude RBS from being considered part of the service brake system, according to GM, because a neutral transmission position need not have any effect on the operation of an RBS. The ability of the driver to disengage the RBS should be the only factor that precludes an RBS from being considered part of the service brake system.

Toyota commented that to its knowledge, almost all EVs with RBS have a neutral transmission position, and that the ''no neutral transmission position'' criterion should be deleted from conditions required for an RBS to be considered part of the service brake system.

Honda believed that the conditions under which RBS is considered part of the service brake system should be modified to indicate that the vehicle transmission may have no electrical or mechanical neutral position. Honda is concerned that RBS may be designed such that any torque from it is canceled when the shift lever is placed in neutral, even though there is no mechanical disconnection between the drive train and the motor.

NHTSA agrees with GM and Toyota that the lack of a neutral transmission position need not be a condition for inclusion of RBS in the service brake system, and is deleting it from the final rule. A neutral transmission position need not have an effect on RBS because the neutral position does not require that the drive line be mechanically disconnected from the propulsion motor(s), as indicated by Honda.

Honda requested that a distinction be made between a neutral position that includes mechanical disconnection between the propulsion battery(s) and the drive line and one that does not. NHTSA does not believe that a definition for ''neutral'', as requested by Honda, is needed. However, Notice 10 proposed that including RBS in the service brake system requires that the selected position of the vehicle's transmission have no effect on the RBS function.

NHTSA believes that RBS should operate in the same manner and under the same conditions as the service brake system if it is to be included as part of the service brake system. For example, the service brake system is controlled by the service brake control only. If RBS is to be included in the service brake system, it should also be controlled by the service brake control only. Similarly, the service brake system is operational in all transmission positions (gears) and RBS should also be operational in all transmission gears, including neutral, if it is to be considered part of the service brake system.

In view of the comments to Notice 10, NHTSA is modifying the conditions under which RBS is considered part of the service brake system. Accordingly, the final rule amending Standards No. 105 (S6.2.4(a)) and No. 135 (S5.1.3(a)) states that ''the RBS is considered part of the service brake system if it is automatically activated by an application of the service brake control, if there is no means provided for the driver to disconnect or otherwise deactivate it, and it is activated in all transmission positions, including neutral.''

B. RBS Braking Effects

Nissan believes the retardation capacity of some electric propulsion motor(s) is insufficient to be characterized as braking. Nissan requests that only RBS that demonstrate braking effects greater than the transmission braking effects required in Standard No. 102, *Transmission shift lever sequence, starter interlock, and transmission braking effect,* be considered in Standards Nos. 105 and 135.

NHTSA does not believe RBS systems should be required to have at least a two speed transmission, as would be required if the transmission braking effects provisions of Standard No. 102 were added to the braking standards. It is practical for an EV to perform with a single gear ratio transmission. The agency believes that the Nissan request would limit EV design unnecessarily. Therefore, it is taking no action on this request.

C. ABS Control Over RBS

Proposed Paragraphs S5.5 of Standard No. 105 and S5.1.3 of Standard No. 135 state that ''* * * for an EV that is equipped with both ABS and RBS that is part of the service brake system, the ABS must control the RBS''.

Chrysler cautioned that EV technology is still new and manufacturers need more design flexibility in this area, and argued that it is inappropriate for the agency to require that RBS be controlled by ABS and that the agency should specify performance requirements.

The purpose of the proposed requirement is to assure that RBS is not operating while ABS is reducing the braking forces in the foundation brake system. The added braking torque of the RBS under this condition would be counter-productive and may cause vehicle instability. NHTSA believes that the requirement is necessary for RBS that is part of the service brake system since these systems cannot be controlled by the driver. The requirement is adopted as proposed.

5. Issues Relating to Failure Indicators

A. Red ''BRAKE'' Warning Lamp as Signal of RBS Failure

Notice 10 proposed new paragraphs in Standards No. 105 (S5.3.1) and No. 135 (S5.5.5) which would require that a red ''brake'' indicator lamp be illuminated under various conditions including the three following: ''(e) For a vehicle with electrically-actuated service brakes, failure of the source of power to the brakes, or diminution of the state of charge of the batteries to a level less than that specified by the manufacturer for the purpose of warning a driver of degraded brake performance, (f) For a vehicle with electric transmission of the service brake control signal, failure of the brake control circuit, and (g) For an EV with RBS that is part of the service brake system, failure of the RBS.''

GM commented that failure of the RBS in all known EV brake systems will not cause a significant reduction in overall braking performance. Therefore, failure of the RBS should not result in the illumination of a red telltale lamp since red telltales are used to indicate emergency situations in which the vehicle needs immediate service. An amber driver warning display such as the ABS telltale should be allowed in the standards as an option to indicate an RBS failure whether or not RBS is part of the service brake system.

According to Ford, failure of RBS will diminish an enhancement of the braking system but will not result in substantially reduced braking performance. The RBS on-board telltale need not be red, indicating the need for immediate service, but an amber lamp, such as the ABS warning indicator, should be an option.

According to GM and Ford, the foundation brake system on their EV models is capable of meeting all braking performance requirements without contribution from the RBS. As a result, GM and Ford believe that a failure of the RBS system should not require the illumination of a red ''Brake'' indicator.

Honda believes that manufacturers should be allowed to use an amber indicator lamp instead of a red lamp when a failure occurs in the brake control circuit of a vehicle with electric transmission of the service brake control signal provided that the total braking force is not impaired by the failure. It, too, agrees that, in the event of RBS failure or failure of the electrical circuitry that controls the hydraulic brake force, all braking would be done by the hydraulic system with no loss of performance.

Honda further states that Standards Nos. 105 and 135 do not require illumination of a red brake warning lamp when a brake power unit, power assist unit, or an ABS failure occurs.

In Notice 10, the agency retained the proposed requirement for illumination of an on-board, red ''Brake'' lamp to indicate failure of these systems. Notice 10 proposed that the requirement for a red brake lamp for RBS failures be limited to cases in which RBS is part of the service brake system. This was a modification of Notice 7, which required that failure of RBS systems that are part of the service brake system and those that are not, be indicated by a red on-board brake lamp.

The arguments made by commenters to Notice 10 stating that braking performance is not substantially diminished by a failure of the RBS are convincing. If RBS is part of the service brake system, it is active at all times and is controlled by application of the service brake only. The contribution of RBS to overall vehicle braking may be substantial at times and this contribution is dependent on many factors including the state of charge of the propulsion battery(s). NHTSA agrees with the commenters that a failure of RBS will not affect the ability of the foundation brakes to provide adequate brake performance under most conditions. The agency also agrees with commenters that the loss of the RBS braking contribution will not result in a safety hazard in an emergency stop situation. The agency accepts the request by GM, Ford and Honda to allow an optional amber (yellow) lamp to warn drivers of a failed RBS system. NHTSA believes that illumination of the red ''brake'' warning signal would signify the need for immediate remedial action by the driver, which is not warranted. The ''service soon'' message that is conveyed by an amber on-board telltale is sufficient warning in the case of a failed RBS system that is part of the service brake system.

NHTSA has not granted Honda's request that an amber lamp be allowed which would indicate a failure in the electric brake control circuitry of a brake system in which the brake control signal is transmitted electrically from the service brake control to the foundation brakes (paragraph S5.3.1(f) of Standard No. 105, and paragraph S5.5.1(f) of Standard No. 135). The final rule allows the option of illuminating an amber on-board lamp in the event of an RBS failure for cases in which the RBS is part of the service brake system. However, an amber indicator lamp will not be allowed as an option to replace a red indicator to signal failure of the control circuit for vehicles with electric transmission of the brake control signal. See the amended text in the discussion under the heading that follows.

B. Common ABS/RBS Malfunction Indicator

Ford requests that the option be provided to group the RBS and ABS malfunction modes with a common warning indicator because the two systems share many of the same software and hardware components.

NHTSA agrees that a common ABS/RBS malfunction warning indicator should be allowed for cases in which the RBS is part of the service brake system. In these cases, ABS and RBS are required to communicate (see proposed paragraph S5.5 of Standard No. 105) and are likely to share many components, as indicated by Ford. Accordingly, paragraph S5.3.1(g) of Standard No. 105, and paragraph S5.5.1(g) of Standard No. 135 are adopted to require an indicator to indicate failure of the RBS and optional illumination under other circumstances: ''(g) For an EV with RBS that is part of the service brake system, failure of the RBS. An amber lamp may be used displaying the symbol 'RBS'. RBS failure in a system that is part of the service brake system may also be indicated by an amber lamp that also indicates ABS failure and displays the symbol 'ABS/RBS'''.

6. Issues Related to Compliance Testing

A. Procedure for Determining Battery State of Charge

NHTSA proposed that the state of charge of the propulsion batteries be determined in accordance with SAE J227a *Electric Vehicle Test Procedure,* February 1976 (S6.2.1 of FMVSS No. 105, S6.3.11.1 of Standard No. 135), specifically that the applicable sections of J227a are 3.2.1 through 3.2.4, 3.3.1 through 3.3.2.2, 3.4.1 and 3.4.2, 4.2.1, 5.2, 5.2.1, and 5.3. There were no comments on this issue and the proposal has been adopted.

B. Procedure for Recharging Batteries During Burnish

The burnish procedures (S7.4 of Standard No. 105 and S7.1 of Standard No. 135) result in a maximum distance between each of the burnish stops of 1.24 miles. The continuous acceleration and deceleration of a burnish procedure could result in fairly extensive battery depletion after approximately 40 stops. Therefore, NHTSA proposed that the propulsion batteries be recharged after each increment of 40 burnish stops until each burnish procedure is complete (S6.2.2 of Standard No. 105 and

S6.3.11.2 of Standard No. 135). Charging at a more frequent interval would be permitted if the vehicle were incapable of achieving the initial burnish test speed during a 40-stop sequence. In addition, the manufacturer would be permitted the option of recharging by external means or by substituting other propulsion batteries at 95 per cent or greater charge. This proposal was supported by the commenters, and is adopted in the final rule. Notice 10 also proposed that, if an EV has a manual control for setting the level of regenerative braking, at the beginning of each burnish procedure the control would be set to provide maximum regenerative braking throughout each burnish. There were no comments on this proposal, and it is adopted.

In GM's view, the brake burnishing procedures proposed for S6.2.2 of Standard No. 105 are not clear with respect to the propulsion battery state of charge at the beginning of the tests. GM recommended that the final rule be consistent with the burnish procedures adopted for Standard No. 135. GM is correct, and paragraph S6.2.2 as adopted specifies that the state of charge of the propulsion battery(s) at the beginning of each burnish procedure is not less than 95 percent of full charge. This modification is also consistent with the burnishing requirements and procedures adopted in Standard No. 135.

C. Procedure for Charging Batteries

Notice 10 proposed that each burnish procedure and each braking test procedure be initiated with the EV's propulsion batteries at a state of charge of not less than 95 percent. Paragraphs S6.2.2 and S6.2.3 of Standard No. 105 and paragraph S6.3.11 of Standard No. 135 read in part as follows: ''At the beginning of each performance test in the test sequence (S7.3, S7.5, S7.7 through S7.11, and S7.14 through S7.19 of this standard), unless otherwise specified, an EV's propulsion battery(s) are at a state or charge of not less than 95 percent (the batteries may be charged by external means or replaced by batteries that are at a state of charge of not less than 95 percent)''.

GM commented that the phrase ''or fully charged per the manufacturer's recommended procedure'' should be added to the specifications for charging EV batteries. In its view, adding the phrase will avoid potential conflicts and ambiguities for cases in which the EV charging system is not designed to charge the battery(s) to 95 percent of capacity. According to GM, extreme high and low states of charge should be avoided to maximize battery life expectancy. GM believes the manufacturer's recommended procedure for charging batteries may be especially important for hybrid vehicles with on-board chargers since these battery(s) may be designed to operate in a narrow state of charge range.

Chrysler stated that all its EVs are equipped with an on-board battery management system that controls battery charging, discharging, and overall performance. The EV brake testing requirements in the final rule should specify that the manufacturer's recommended energy charging and measuring procedures be utilized, if available.

NHTSA agrees that the manufacturer's procedures should be used for charging the propulsion batteries for performance tests as well as burnishing if such procedures are available.

The agency is changing the amendments proposed in Notice 10 requiring that battery(s) be at a state of charge of not less than 95 percent at the beginning of each test procedure. The state of charge requirement is being expanded to allow the battery(s) to be charged in accordance with procedures recommended by the vehicle manufacturer. If a battery charging procedure or a state of charge measurement procedure is permanently attached to the vehicle or published in the vehicle operator's manual, the procedure will be utilized during brake testing. If the manufacturer does not provide a procedure for charging the propulsion battery(s), the procedure proposed in Notice 10 will be utilized. Therefore, NHTSA is adopting paragraphs S6.2.2 and S6.2.3 of Standard No. 105 and paragraph S6.3.11 of Standard No. 135 to read in pertinent part as follows: ''* * * an EV's propulsion battery(s) are at the maximum state of charge recommended by the manufacturer, as stated in the vehicle operator's manual or on a label that is permanently attached to the vehicle, or, if the manufacturer has made no recommendation, at a state of charge of not less than 95 percent. If battery(s) are replaced rather than re-charged, the replacement battery(s) are charged and measured for state of charge in accordance with these procedures.''

Chrysler is concerned that proposed paragraph S6.2.3 of Standard No. 105 does not allow for charging during the test sequences listed and that EVs may not be able to complete the tests without recharging.

Notice 10 did not propose procedures for re-charging during the test sequences because NHTSA did not believe that such re-charging would be necessary. However, the agency now realizes that the propulsion battery(s) may be depleted such that the vehicle automatically shuts-down, reaches a point at which it will not accelerate, or the low state of charge lamp is illuminated (Standard No. 105, proposed paragraph S5.3.1). If any of these conditions occur, during a test sequence, the final rule permits the vehicle to be accelerated to brake test speed by auxiliary means since some tests are required to be conducted within a time limit that would preclude re-charging or replacing the battery(s) with one that is fully charged. Accordingly, paragraph S6.2.3 of Standard No. 105 and paragraph S6.3.11.3 of Standard No. 135, as adopted, clarify this. Each states that ''* * * No further charging of the propulsion batteries occurs during any of the performance tests in the test sequence of this standard. If the propulsion batteries are depleted during a test sequence such that the vehicle reaches automatic shut-down, will not accelerate, or the low state of charge brake warning lamp is illuminated, the vehicle is to be accelerated to brake test speed by auxiliary means until the test sequence is completed.''

By adopting this test condition, NHTSA intends that the batteries be essentially at full charge at the beginning of each test sequence.

D. Testing in Gear as Opposed to Testing in Neutral

This issue involves testing EVs in which RBS is not part of the service brake system. For such vehicles, Notice 10 proposed to amend Standards Nos. 105 (S6.2.4(b)) and No. 135,(S6.3.13) to state that ''the RBS is operational and set to produce the maximum regenerative braking effect during the burnish tests, and is disabled during the test procedures.''

GM commented that the requirement that a RBS that is not part of the service brake system be disabled for all tests other than burnishing tests is in conflict with other test procedures. Some of the test procedures in both Standards Nos. 105 and 135 require that the vehicle be tested with the transmission in gear. If an EV has a RBS that is not part of the service brake system and the RBS is designed to operate when the transmission is in gear, the RBS would have to be disconnected for the in-gear test procedures. GM recommends that the standards state that the RBS need not be disabled for in-gear braking if the RBS can be disabled only through ''tampering'' when the transmission is in gear. GM notes that the number of tests affected is relatively small and the

high state of charge required at the beginning of these tests will result in a low level of regenerative braking.

Chrysler remarked that when internal combustion engine (ICE) vehicles are tested in gear, they take advantage of the braking effects of the engine and transmission. Chrysler believes that EVs should be allowed to use their RBS for in-gear testing since it is analogous to the engine and transmission braking effects in ICE vehicles.

In Nissan's opinion, RBS should be allowed to be operational during the in-gear brake testing procedures, whether or not the RBS is part of the service brake system.

Toyota believes that the heating snub test, proposed paragraph S7.13 of Standard No. 135, should be conducted in the ''in-gear'' mode, to be consistent with the burnishing tests and to conform with ICE vehicle testing.

Finally, Honda commented that, since the proposed test conditions in both standards require that the drive line be engaged during the braking procedures, the ''in gear'' testing specification should be changed to allow the option of testing in neutral for vehicles with RBS that is activated when the transmission is in gear.

NHTSA agrees with GM that a requirement to conduct certain tests in gear with the RBS disconnected would conflict with the design of many EVs. For these designs, the RBS is activated when the vehicle is in gear and deactivated in the neutral transmission position. For EVs in which the RBS is not part of the service brake system, meeting the proposed test conditions would, as previously written, require ''tampering'' with the RBS to disengage it while the vehicle is in gear. If the RBS is disengaged when the transmission is in the neutral position, these tests can be conducted in neutral, as suggested by Honda. The agency disagrees with the GM statement that most of the test procedures are conducted in neutral. While this is true for Standard No. 135, there are a significant number of in-gear test procedures in Standard No. 105.

NHTSA agrees with Chrysler that the RBS functions in much the same manner in EVs as does the engine and transmission braking effect in ICE vehicles. If the RBS is active, it provides vehicle deceleration forces in a manner similar to the engine and transmission for an ICE vehicle. However, if the RBS is not part of the service brake system, its use is optional in most cases. There is no assurance when the RBS is not part of the service brake system that it will be engaged or activated by the driver at any given time. This is the primary reason Notice 10 proposed that the test procedures be conducted with the RBS non-functional if the RBS is not part of the service brake system.

NHTSA also disagrees with Toyota's recommendation that the heating snub test in proposed paragraph S7.13 of Standard No. 135 be conducted with the RBS engaged. The same reasoning applies in the case of heating snubs, that is, if the RBS is not part of the service brake system, its use will be optional in most cases, and there is no assurance when the RBS is not part of the service brake system that it will be engaged or activated by the driver at any given time.

NHTSA has decided that the requirements proposed in Notice 10 for vehicles in which the RBS is not part of the service brake system need to be modified to address in-gear testing. Thus, the final rule requires that manufacturers render RBS inoperative, including placing the transmission in the neutral position if the RBS is deactivated in neutral, during testing under conditions that would otherwise require the vehicle to be in gear.

Accordingly, paragraph S6.2.4(b) of Standard No. 105 and paragraph S6.3.13 of Standard No. 135 are adopted to read as follows: ''For an EV equipped with an RBS that is not part of the service brake system, the RBS is operational and set to produce the maximum regenerative braking effect during the burnish tests, and is disabled during the test procedures. If the vehicle is equipped with a neutral position that automatically disables the RBS, the test procedures which are designated to be conducted in gear may be conducted in neutral.''

E. Testing at Low State of Charge

(i) *Low state of charge measurement.* With respect to state of charge of the propulsion batteries, paragraph S6.2.6 proposed in Notice 10 in part that: ''A vehicle equipped with electrically-actuated service brakes also performs the tests specified in S7.3, S7.5, S7.7 through S7.11, and S7.13 through S7.19 of this standard with the batteries providing power to those electrically-actuated brakes, at the beginning of each test, in a depleted state of charge for condition (a), (b), or (c) of this paragraph as appropriate.'' Proposed paragraph S6.3.12 of Standard No. 135 was similar. Paragraphs S6.2.6(a) and S6.2.6(b) of Standard No. 105 would require that propulsion battery(s) used to power electrically-actuated service brakes be at a state of charge that is not more than two percent and not less than one percent above the state of charge that would shut down the propulsion system or activate the brake failure warning lamp. Paragraph S6.2.6(c) of Standard No. 105 would require that auxiliary battery(s) that are used to power electrically-actuated service brakes be at a state of charge that is not more than two percent and not less than one percent above the state of charge that would activate the brake failure warning lamp.

Toyota, GM, and Nissan commented on the conditions and procedures proposed in Notice 10 for paragraphs S6.2.6 (a) and (b) of Standard No. 105 in which the propulsion battery(s) are used to power electrically-actuated service brakes. These commenters recommended that the test conditions be modified to reduce the burden of the state of charge measurement technique. The commenters argued that, with current technology, it would be extremely difficult for many test facilities to measure the state of charge with one or two percent accuracy. These commenters recommended that the agency adopt a five percent initial battery(s) state of charge for testing under S6.2.6 of Standard No. 105 and S6.3.12 of Standard No. 135.

Based on these comments, NHTSA believes that the one to two percent state of charge range proposed as the initial test condition for the propulsion and auxiliary battery(s) used in low state of charge tests would be difficult to measure. A five percent state of charge would not appreciably change the stringency of the requirements, but would substantially reduce the state of charge measurement burden.

For these reasons, Standard No. 135 (S6.3.12(c)), as adopted, will state that ''* * * the auxiliary battery(s) is at not more than five percent above the actual state of charge at which the brake failure warning signal, required by S5.5.1(e) of this standard, is illuminated.'' The propulsion battery(s) referenced in S6.3.12 (a) and (b) of Standard No. 135 will also be charged to not more than five percent above the state of charge that would cause shut down or illumination of the brake failure warning lamp. The auxiliary battery(s) in paragraph S6.2.6(c) of Standard No. 105, and the propulsion battery(s) in paragraphs S6.2.6 (a), and (b), will be charged to not more than five percent above the state of charge that would illuminate the brake system indicator lamp as required in S5.3.1(e), or the state of charge that would result in automatic shut-down of the propulsion system.

(ii) *Low State of charge testing.* The agency proposed in Notice 10 that EVs with electrically actuated service brakes be required to complete a series of brake performance tests with the battery(s) at

a low state of charge. With respect to the state of charge of propulsion batteries, paragraph S6.2.6 of Standard No. 105 proposed in part that: ''A vehicle equipped with electrically-actuated service brakes also performs the tests specified in S7.3, S7.5, S7.7, through S7.11, and S7.13 through S7.19 of this standard with the battery(s) providing power to those electrically-actuated brakes, at the beginning of each test, in a depleted state of charge for condition (a), (b), or (c) of this paragraph as appropriate.'' To the same effect was proposed paragraph S6.3.12 of Standard No. 135.

The agency argued that a vehicle that can be operated should be able to perform a full series of brake tests. The agency further stated that the purpose of the test series is to assure that a vehicle will operate properly if any one of the test conditions occur during operation.

GM, in its comments to Notice 10, continued to express the concern it expressed in response to Notice 7. That is, the requirement for a full series of tests under depleted battery(s) conditions is unreasonable and unnecessary. All commenters responding to Notice 7 indicated that it was unreasonable and unnecessary to subject an EV to a complete brake test series with depleted battery(s). They indicated that a vehicle with a low state of charge in the propulsion battery(s) could be expected to perform a low number of accelerations prior to becoming immobile. The commenters argued that it was unreasonable to require braking capacity that far exceeds propulsion capacity.

After further consideration, the agency agrees that a full series of tests is not necessary because it is very unlikely that a vehicle with a low state of charge would require the braking capacity needed to perform an entire brake test series under either Standard No. 105 or Standard No. 135. NHTSA also believes that current propulsion battery(s) would need substantial redesign to comply with the proposed requirements.

GM requested that the agency reconsider the procedure for a dedicated low charge braking test that the company had recommended in its comments to Notice 7.

The agency feels that an abbreviated braking test procedure similar to the one recommended by GM in its comments to Notice 7 is appropriate, and that it is sufficient for an EV with electrically-actuated service brakes to demonstrate braking power while it can still be accelerated.

GM also indicated that the recharging procedures for these tests needed clarification. The proposed test procedure for low battery(s) state of charge testing specified in Notice 10 does not allow for recharging, but states that a vehicle may be accelerated to test speed by auxiliary means. The test procedures adopted in the final rule do not allow for recharging of the battery(s) that provide power for electrically-actuated service brakes. An auxiliary means is to be provided as necessary to accelerate the vehicle to test speed, as proposed in Notice 10.

The agency is specifying that an abbreviated low state of charge braking performance test series be conducted on EVs utilizing electrically-actuated service brakes. In addition, S6.2.6 of Standard No. 105 and S6.3.12 of Standard No. 135 are adopted to read: ''A vehicle equipped with electrically-actuated service brakes also performs the following test series. Conduct 10 stopping tests from a speed of 100 kph or the maximum vehicle speed, whichever is less. At least two of the 10 stopping distances must be less than or equal to 70 meters. The vehicle is to be loaded to GVWR for these tests and the transmission shall be in the neutral position when the service brake control is actuated and throughout the remainder of the test. The battery(s) providing power to those electrically-actuated service brakes, at the beginning of each test, shall be in a depleted state of charge for conditions (a), (b), or (c) of this paragraph as appropriate. An auxiliary means may be used to accelerate an EV to test speed.''

Nissan believed that it is not technically feasible to detect state of charge of an auxiliary battery and recommends that the agency delete the low state of charge performance tests for vehicles with auxiliary batteries that provide power for vacuum boosters and hydraulic pumps (electrically-actuated brakes).

Nissan believes that actual fluid pressure or vacuum should be monitored instead of the state of charge of an auxiliary battery in vehicles which have electrically-actuated service brakes. Notice 10 did not propose that auxiliary battery(s) that are used to power hydraulic pumps or vacuum motors be monitored for state of charge. The proposed requirement applies to auxiliary battery(s) that power electrically-actuated service brakes, brakes in which the brake control signal is electrically transmitted from the brake control unit to the foundation brakes, and RBS that is part of the service brake system. Auxiliary battery(s) that power hydraulic pumps and vacuum motors are not included under the proposed requirement for state of charge monitoring. No action is taken in response to this comment.

7. Issues Related to Test Conditions

A. Initial Brake Temperature (IBT)

HQ believes that its braking system will not achieve the IBT required in section S7 *Road test procedures and performance requirements* of Standard No. 135 for the foundation or friction brakes when the heating tests are conducted because a large percentage of the braking forces are supplied by dynamic (dissipative) braking. HQ suggests that the IBT condition be made optional for EVs as well as the test sequence S7.13–S7.16 because the HQ dynamic braking system will develop low temperatures in the friction brake system components.

NHTSA agrees that the dynamic braking forces (RBS-type) of the HQ braking system could result in low brake temperatures for the foundation friction brakes. Neither Standard No. 105 nor Standard No. 135 specify procedures for establishing the IBT for those test procedures that require an initial brake temperature. The agency believes that the IBT condition can be met if several stops are performed with the RBS disabled or disengaged, and that disabling or disengaging the RBS system would not be impracticable. The agency also believes that the hot performance and recovery performance tests in paragraphs S7.13 through S7.16 of Standard No. 135 are an extremely important phase of the overall brake testing and that all vehicles with friction brakes should perform these tests. Thus, it has made no modifications in adopting the IBT condition as proposed.

B. Static Parking Brake Test

Proposed S7.7.1.3 in Standard No. 105 and S7.12.2(o) in Standard No. 135 would add language to clarify the means for activating electric parking brakes, to state ''[f]or vehicles with electrically activated parking brakes, apply the parking brakes by activating the parking brake control.'' NHTSA has adopted the proposed change.

C. Stops With Engine Off (Standard No. 135)

HQ believes that the vehicle engine off condition for brake testing (S7.7.2(a)) represents engine stalling for internal combustion engine vehicles and has no direct equivalent for EVs. However, the specification that the test is conducted with ''no electromotive force'' applied to the motor(s) proposed in paragraph S7.7.3(h) of Standard No. 135 is intended to serve the same purpose for

EVs as testing ICE vehicles with the engine off.

Nevertheless, HQ believes that the term needs further explanation since it is not clear whether regenerative braking using the electric motor(s) is allowed under S7.7.3(h). The proposed conditions of S7.7.3(h) for EVs during tests that are analogous to ICE vehicle tests with the engine off specify that the electric propulsion motor(s) not be supplied with any electromotive force, or be switched-off. The RBS is not allowed to operate under these test conditions. No amendment of the proposal is required, and S7.7.3(h) is adopted as proposed.

8. International Harmonization

The European Community has not finalized braking standards for EVs to date, and the conditions and procedures for EV testing specified in this final rule may be adopted by the Europeans.

NHTSA has been recently provided a current copy of draft Regulation 13–H (R13–H), the European version of the harmonized brake standard for light passenger vehicles. The draft was reviewed with respect to EV braking conditions and requirements to determine if they are compatible with the EV brake test conditions and requirements in this final rule. In general, EV brake system design and performance requirements in Standard No. 135 and R13–H are similar. For example, both rules account for RBS and both rules distinguish RBS that is part of the service brake system from RBS that is not. At this time, NHTSA does not anticipate that harmonization of the brake standards will be more difficult for EVs than for conventional vehicles.

In general, R13–H has specified more EV test procedures and conditions than the agency has specified in Standard No. 135 as amended by this final rule since the Europeans have more EV experience at this time. The R–13H draft does not, however, address EV recharging during testing or electrically-actuated service brakes for passenger cars. As NHTSA's experience increases, it may propose adding specific EV test procedures and conditions to the adhesion utilization requirements and other areas of performance.

Whatever future actions NHTSA takes in this area, it will discuss requirements for EV brake systems with braking experts from other nations. It should be possible for all regulatory authorities to reach a consistent harmonized approach when dealing with an emerging technology like EV brake systems.

The reader will find that provisions of this final rule not discussed by this notice are substantially the same as those proposed by Notice 10.

Effective Dates (Lead Time)

Notice 10 proposed that EV amendments to Standards Nos. 105 and 135 become effective 30 days after publication of the final rule.

Chrysler and Ford stated that one year after publication of the final rule would be preferable; if the standard is further amended, more lead time may be required for compliance to make necessary design modifications. However, an early effective date was supported by GM which wishes to certify its EV–1 passenger car to electric vehicle braking requirements at the earliest possible date.

NHTSA believes that the final rule is written in such a manner as to accommodate most present EV brake system designs without extensive modifications. But it is sensitive to the comments by Ford and Chrysler that each may need up to one year for leadtime, should they deem it necessary to modify their current EV braking system designs to meet the standards promulgated by this document.

To accommodate all commenters on this issue, NHTSA is adopting an early effective date for the electric brake amendments with mandatory compliance after one year. The amendments to Standard No. 105, which do not change the present requirements relating to hydraulic brake systems, will become effective 45 days after their publication. However, manufacturers of passenger cars, multipurpose passenger vehicles, trucks, and buses, with electric brake systems, need not comply until September 1, 1998. Manufacturers of passenger cars with hydraulic brake systems already have the option of meeting Standard No. 105 until September 1, 2000, and this same option is being afforded passenger cars with electric brake systems, under companion amendments to both Standards Nos. 105 and 135. To accomplish this, Section S3 Application of Standard No. 105 is being amended to read as follows:

''S3 *Application*

(a) This standard applies to the following vehicles with hydraulic or electric brake systems: multipurpose passenger vehicles, trucks, and buses, and to passenger cars manufactured before September 1, 2000.

(b) This standard, at the option of a manufacturer of a passenger car, multipurpose passenger vehicle, truck, or bus, with an electric brake system, does not apply before September 1, 1998.

(c) At the option of the manufacturer, passenger cars with hydraulic or electric brake systems manufactured before September 1, 2000, may comply with the requirements of Federal Motor Vehicle Safety Standard No. 135, Passenger Car Brake Systems, instead of the requirements of this standard.''

Compliance with Standard No. 135 is not mandatory until September 1, 2000, although manufacturers of passenger cars with hydraulic brake systems have the present option of complying with it as an alternative to Standard No. 105. The amendments made by this document do not affect the hydraulic brake requirements, but add requirements applicable to electric vehicle brakes and are incorporated into it effective 45 days after publication. The application section of Standard No. 135 is being amended to read:

''S3 *Application.* This standard applies to passenger cars manufactured on or after September 1, 2000. In addition, passenger cars manufactured before September 1, 2000 may, at the option of the manufacturer, meet the requirements of this standard instead of Federal Motor Vehicle Safety Standard No. 105 *Hydraulic and Electric Brake Systems.*''

In summary, passenger cars, multipurpose passenger vehicles, trucks, and buses, with electric brake systems need not comply with Standard No. 105 until September 1, 1998, and may comply before then. But all these vehicles must comply with Standard No. 105 on and after September 1, 1998. Alternatively, passenger cars with electric brake systems may comply with Standard No. 135 at any time before September 1, 2000, but otherwise must meet Standard No. 105 as of September 1, 1998, and Standard No. 135 as of September 1, 2000.

Because of the wish of some manufacturers to offer and certify complying vehicles with electric brake systems at an early date, and because the amendments do not affect existing requirements for vehicles with hydraulic brake systems, it is hereby found that an effective date earlier than 180 days after issuance of the amendments is in the public interest. Accordingly, the amendments are effective October 20, 1997.

Regulatory Analysis

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

This rulemaking has not been reviewed under Executive Order 12866. NHTSA has considered the economic implications of this regulation and determined that it is not significant within the meaning of the DOT

Regulatory Policies and Procedure. It does not initiate a substantial regulatory program or involve a change in policy.

Regulatory Flexibility Act

The agency has also considered the effects of this rulemaking action in relation to the Regulatory Flexibility Act. I certify that this rulemaking action will not have a significant economic effect upon a substantial number of small entities. Motor vehicle manufacturers are generally not small businesses within the meaning of the Regulatory Flexibility Act. Accordingly, no Regulatory Flexibility Analysis has been prepared.

Executive Order 12612 (Federalism)

This action has been analyzed in accordance with the principles and criteria contained in Executive Order 12612 on ''Federalism.'' It has been determined that the rulemaking action does not have sufficient federalism implications to warrant the preparation of a Federalism Assessment.

National Environmental Policy Act

NHTSA has analyzed this rulemaking action for purposes of the National Environmental Policy Act. The rulemaking action will not have a significant effect upon the environment. There is no environmental impact associated with adaptation of test procedures to make them more appropriate for vehicles already required to comply with the Federal motor vehicle safety standards. The rulemaking action would not have a direct effect. However, to the extent that this rulemaking might facilitate the introduction of EVs which are powered by an electric motor drawing current from rechargeable storage batteries, fuel cells, or other portable sources of electric current, and which may include a nonelectrical source of power designed to charge batteries and components thereof, the rulemaking would have a beneficial effect upon the environment and reduce fuel consumption because EVs emit no hydrocarbon emissions and do not depend directly upon fossil fuels to propel them.

Executive Order 12778 (Civil Justice Reform)

This rule will not have any retroactive effect. Under 49 U.S.C. 30103, whenever a Federal motor vehicle safety standard is in effect, a state may not adopt or maintain a safety standard applicable to the same aspect of performance which is not identical to the Federal standard. Section 30161 of Title 49 sets forth a procedure for judicial review of final rules establishing, amending or revoking Federal motor vehicle safety standards. That section does not require submission of a petition for reconsideration or other administrative proceedings before parties may file suit in court.

List of Subjects in 49 CFR Part 571

Imports, Motor vehicle safety, Motor vehicles

PART 571—FEDERAL MOTOR VEHICLE SAFETY STANDARDS

In consideration of the foregoing, 49 CFR part 571 is amended as follows:

1. The authority citation for Part 571 continues to read as follows:

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

§ 571.105 [Amended]

2. Section 571.105 is amended by:

a. Revising its heading;

b. Revising S1, S3, the definitions of ''backup system'' and ''split service brake system'' in S4 and adding to S4, in alphabetical order, definitions of ''Electric vehicle *or* EV'', ''Electrically-actuated service brakes'', and ''Regenerative braking system *or* RBS'';

c. Amending S5.1.1.4 to add a sentence at the end thereof below the undesignated table;

d. Adding S5.1.2.3, S5.1.2.4, and S5.1.3.5;

e . Revising the introductory text of S5.3.1 and adding S5.3.1 (e), (f), and (g);

f. Revising the introductory text of S5.3.5(c)(1) and S5.4.3;

g. Withdrawing the revision of S5.5 and additions of S5.5.1 and S5.5.2 published at 60 FR 13256, Mar. 10, 1995, and the revision of S5.5.1 published at 60 FR 63979, Dec. 13, 1995 that were to become effective March 1, 1999, and revising S5.5 as currently in effect and adding S5.5.1 and S5.5.2;

h. Adding S6.2 through S6.2.6;

i. Revising the introductory text of S7.7.1.3 and adding S7.7.1.3(c);

j. Adding S7.9.5 and S7.9.6; and

k. Adding S7.10.3

The revised and added heading and paragraphs read as follows:

§ 571.105 Standard No. 105; Hydraulic and electric brake systems.

S1. *Scope.* This standard specifies requirements for hydraulic and electric service brake systems, and associated parking brake systems.

* * * * *

S3. *Application.*

(a) This standard applies to the following vehicles with hydraulic or electric brake systems: multipurpose passenger vehicles, trucks, and buses, and to passenger cars manufactured before September 1, 2000.

(b) This standard, at the option of a manufacturer of a passenger car, multipurpose passenger vehicle, truck, or bus, with an electric brake system, does not apply before September 1, 1998.

(c) At the option of the manufacturer, passenger cars with hydraulic or electric brake systems manufactured before September 1, 2000, may comply with the requirements of Federal Motor Vehicle Safety Standard No. 135, *Passenger Car Brake Systems,* instead of the requirements of this standard.

S4. *Definitions.*

* * * * *

Backup system means a portion of a service brake system, such as a pump, that automatically supplies energy, in the event of a primary brake power source failure.

* * * * *

Electric vehicle or *EV* means a motor vehicle that is powered by an electric motor drawing current from rechargeable storage batteries, fuel cells, or other portable sources of electrical current, and which may include a non-electrical source of power designed to charge batteries and components thereof.

Electrically-actuated service brakes means service brakes that utilize electrical energy to actuate the foundation brakes.

* * * * *

Regenerative braking system or *RBS* means an electrical energy system that is installed in an EV for recovering or dissipating kinetic energy, and which uses the propulsion motor(s) as a retarder for partial braking of the EV while returning electrical energy to the propulsion batteries or dissipating electrical energy.

* * * * *

Split service brake system means a brake system consisting of two or more subsystems actuated by a single control, designed so that a single failure in any subsystem (such as a leakage-type failure of a pressure component of a hydraulic subsystem except structural failure of a housing that is common to two or more subsystems, or an electrical failure in an electric subsystem) does not impair the operation of any other subsystem.

* * * * *

S5.1.1.4 * * * For an EV, the speed attainable in 2 miles is determined with the propulsion batteries at a state of charge of not less than 95 percent at the beginning of the run.

S5.1.2 *Partial failure.*

* * * * *

S5.1.2.3 For a vehicle manufactured with a service brake system in which the brake signal is transmitted electrically between the brake pedal and some or all of the foundation brakes, regardless of the means of actuation of the foundation brakes, the vehicle shall be capable of stopping from 60 mph within the corresponding distance specified in Column IV of Table II with any single failure in any circuit that electrically transmits the brake signal, and with all other systems intact.

S5.1.2.4 For an EV manufactured with a service brake system that incorporates RBS, the vehicle shall be capable of stopping from 60 mph within the corresponding distance specified in Column IV of Table II with any single failure in the RBS, and with all other systems intact.

* * * * *

S5.1.3.5 *Electric brakes.* Each vehicle with electrically-actuated service brakes (brake power unit) shall comply with the requirements of S5.1.3.1 with any single electrical failure in the electrically-actuated service brakes and all other systems intact.

* * * * *

S5.3 *Brake system indicator lamp.*

* * *

S5.3.1 An indicator lamp shall be activated when the ignition (start) switch is in the ''on'' (''run'') position and whenever any of the conditions (a) or (b), (c), (d), (e), (f), and (g) occur:

* * * * *

(e) For a vehicle with electrically-actuated service brakes, failure of the source of electric power to the brakes, or diminution of state of charge of the batteries to less than a level specified by the manufacturer for the purpose of warning a driver of degraded brake performance.

(f) For a vehicle with electric transmission of the service brake control signal, failure of a brake control circuit.

(g) For an EV with RBS that is part of the service brake system, failure of the RBS. An amber lamp may be used displaying the symbol ''RBS.'' RBS failure in a system that is part of the service brake system may also be indicated by an amber lamp that also indicates ABS failure and displays the symbol ''ABS/RBS''.

* * * * *

S5.3.5 * * *

(c)(1) If separate indicators are used for one or more of the conditions described in S5.3.1(a) through S5.3.1(g) of this standard, the indicator display shall include the word ''Brake'' and appropriate additional labeling, except as provided in (c)(1) (A) through (D) of this paragraph.

* * * * *

S5.4.3 *Reservoir labeling*—Each vehicle equipped with hydraulic brakes shall have a brake fluid warning statement that reads as follows, in letters at least one-eighth of an inch high: ''WARNING, Clean filler cap before removing. Use only _____ fluid from a sealed container.'' (Inserting the recommended type of brake fluid as specified in 49 CFR 571.116, e.g., ''DOT 3''). The lettering shall be—* * *

S5.5 *Antilock and variable proportioning brake systems.*

S5.5.1 On and after March 1, 1999, each vehicle with a GVWR greater than 10,000 pounds, except for any vehicle that has a speed attainable in 2 miles of not more than 33 mph, shall be equipped with an antilock brake system that directly controls the wheels of at least one front axle and the wheels of at least one rear axle of the vehicle. On and after March 1, 1999, on each vehicle with a GVWR greater than 10,000 pounds but not greater than 12,000 pounds, the antilock brake system may also directly control the wheels of the drive axle by means of a single sensor in the drive line. Wheels on other axles of the vehicle may be indirectly controlled by the antilock brake system.

S5.5.2 In the event of any failure (structural or functional) in an antilock or variable proportioning brake system, the vehicle shall be capable of meeting the stopping distance requirements specified in S5.1.2 for service brake system partial failure. For an EV that is equipped with both ABS and RBS that is part of the service brake system, the ABS must control the RBS.

* * * * *

S6.2 *Electric vehicles and electric brakes.*

S6.2.1 The state of charge of the propulsion batteries is determined in accordance with SAE Recommended Practice J227a, *Electric Vehicle Test Procedure,* February 1976. The applicable sections of J227a are 3.2.1 through 3.2.4, 3.3.1 through 3.3.2.2, 3.4.1 and 3.4.2, 4.2.1, 5.2, 5.2.1, and 5.3.

S6.2.2 At the beginning of the first effectiveness test specified in S7.3, and at the beginning of each burnishing procedure, each EV's propulsion battery is at the maximum state of charge recommended by the manufacturer, as stated in the vehicle operator's manual or on a label that is permanently attached to the vehicle, or, if the manufacturer has made no recommendation, at a state of charge of not less than 95 percent. If a battery is replaced rather than recharged, the replacement battery is to be charged and measured for state of charge in accordance with these procedures. During each burnish procedure, each propulsion battery is restored to the recommended state of charge or a state of charge of not less than 95 percent after each increment of 40 burnish stops until each burnish procedure is complete. The batteries may be charged at a more frequent interval if, during a particular 40-stop increment, the EV is incapable of achieving the initial burnish test speed. During each burnish procedure, the propulsion batteries may be charged by an external means or replaced by batteries that are charged to the state of charge recommended by the manufacturer or a state of charge of not less than 95 percent. For EVs having a manual control for setting the level of regenerative braking, the manual control, at the beginning of each burnish procedure, is set to provide maximum regenerative braking throughout the burnish.

S6.2.3 At the beginning of each performance test in the test sequence (S7,3, S7.5, S7.7 through S7.11, and S7.13 through S7.19 of this standard), unless otherwise specified, each propulsion battery of an EV is at the maximum state of charge recommended by the manufacturer, as stated in the vehicle operator's manual or on a label that is permanently attached to the vehicle, or, if the manufacturer has made no recommendation, at a state of charge of not less than 95 percent. If batteries are replaced rather than recharged, each replacement battery shall be charged and measured for state of charge in accordance with these procedures. No further charging of any propulsion battery occurs during any of the performance tests in the test sequence of this standard. If the propulsion batteries are depleted during a test sequence such that the vehicle reaches automatic shut-down, will not accelerate, or the low state of charge warning lamp is illuminated, the vehicle is to be accelerated to brake test speed by auxiliary means.

S6.2.4 (a) For an EV equipped with RBS, the RBS is considered to be part of the service brake system if it is automatically controlled by an application of the service brake control, if there is no means provided for the driver to disconnect or otherwise deactivate it, and if it is activated in all transmission positions, including neutral. The RBS is operational during all burnishes and all tests, except for the test of a failed RBS.

(b) For an EV equipped with an RBS that is not part of the service brake system, the RBS is operational and set

to produce the maximum regenerative braking effect during the burnishes, and is disabled during the test procedures. If the vehicle is equipped with a neutral gear that automatically disables the RBS, the test procedures which are designated to be conducted in gear may be conducted in neutral.

S6.2.5 For tests conducted ''in neutral,'' the operator of an EV with no ''neutral'' position (or other means such as a clutch for disconnecting the drive train from the propulsion motor(s)) does not apply any electromotive force to the propulsion motor(s). Any electromotive force that is applied to the propulsion motor(s) automatically remains in effect unless otherwise specified by the test procedure.

S6.2.6 A vehicle equipped with electrically-actuated service brakes also performs the following test series. Conduct 10 stopping tests from a speed of 100 kph or the maximum vehicle speed, whichever is less. At least two of the 10 stopping distances must be less than or equal to 70 meters. The vehicle is loaded to GVWR for these tests and the transmission is in the neutral position when the service brake control is actuated and throughout the remainder of the test. The battery or batteries providing power to those electrically-actuated brakes, at the beginning of each test, shall be in a depleted state of charge for conditions (a), (b), or (c) of this paragraph as appropriate. An auxiliary means may be used to accelerate an EV to test speed.

(a) For an EV equipped with electrically-actuated service brakes deriving power from the propulsion batteries, and with automatic shut-down capability of the propulsion motor(s), the propulsion batteries are at not more than five percent above the EV actual automatic shut-down critical value. The critical value is determined by measuring the state-of-charge of each propulsion battery at the instant that automatic shut-down occurs and averaging the states-of-charge recorded.

(b) For an EV equipped with electrically-actuated service brakes deriving power from the propulsion batteries, and with no automatic shut-down capability of the propulsion motor(s), the propulsion batteries are at an average of not more than five percent above the actual state of charge at which the brake failure warning signal, required by S5.3.1(e) of this standard, is illuminated.

(c) For a vehicle which has an auxiliary battery (or batteries) that provides electrical energy to operate the electrically-actuated service brakes, the auxiliary battery(batteries) is (are) at (at an average of) not more than five percent above the actual state of charge at which the brake failure warning signal, required by S5.3.1(e) of this standard, is illuminated.

* * * * *

S7.7.1 *Test procedure for requirements of S5.2.1.*

* * * * *

S7.7.1.3 With the vehicle held stationary by means of the service brake control, apply the parking brake by a single application of the force specified in (a), (b), or (c) of this paragraph, except that a series of applications to achieve the specified force may be made in the case of a parking brake system design that does not allow the application of the specified force in a single application:

* * * * *

(c) For a vehicle using an electrically-activated parking brake, apply the parking brake by activating the parking brake control.

* * * * *

S7.9 *Service brake system test—partial failure.*

* * * * *

S7.9.5 For a vehicle in which the brake signal is transmitted electrically between the brake pedal and some or all of the foundation brakes, regardless of the means of actuation of the foundation brakes, the tests in S7.9.1 through S7.9.3 of this standard are conducted by inducing any single failure in any circuit that electrically transmits the brake signal, and all other systems intact. Determine whether the brake system indicator lamp is activated when the failure is induced.

S7.9.6 For an EV with RBS that is part of the service brake system, the tests specified in S7.9.1 through S7.9.3 are conducted with the RBS disconnected and all other systems intact. Determine whether the brake system indicator lamp is activated when the RBS is disconnected.

* * * * *

S7.10 *Service brake system-inoperative brake power unit or brake power assist unit test.* (For vehicles equipped with brake power unit or brake power assist unit.)

* * * * *

S7.10.3 *Electric brakes.*

(a) For vehicles with electrically-actuated service brakes, the tests in S7.10.1 or S7.10.2 are conducted with any single electrical failure in the electric brake system instead of the brake power or brake power assist systems, and all other systems intact.

(b) For EVs with RBS that is part of the service brake system, the tests in S7.10.1 or S7.10.2 are conducted with the RBS discontinued and all other systems intact.

3. Section 571.135 is amended by:

a. Revising S3;

b. Revising the definitions of ''maximum speed'', and ''split service brake system'' in S4, and adding in S4, in alphabetical order, definitions for ''Electric vehicle'', ''Electrically-actuated service brakes'', and ''Regenerative braking system'';

c. Adding S5.1.3;

d. Revising the introductory text of S5.4.3 and S5.5.1 and adding S5.5.1 (e),(f), and (g);

e. Revising the introductory text of S5.5.5(d);

f. Adding S6.3.11.1, S6.3.11.2, S6.3.11.3, S6.3.12, and S6.3.13;

g. Adding S7.2.4(f), S7.4.5.1, and S7.7.3(h)

h. Revising S7.10, S7.10.3(f), and S7.10.4;

i. Adding S7.11.3 (m) and (n); and

j. Revising S7.12.2(i).

The revised and added paragraphs read as follows:

§ 571.135 Standard No. 135; Passenger Car Brake Systems.

* * * * *

S3 *Application.* This standard applies to passenger cars manufactured on or after September 1, 2000. In addition, passenger cars manufactured before September 1, 2000 may, at the option of the manufacturer, meet the requirements of this standard instead of Federal Motor Vehicle Safety Standard No. 105 *Hydraulic and Electric Brake Systems.*

S4. *Definitions.*

* * * * *

Electric vehicle or *EV* means a motor vehicle that is powered by an electric motor drawing current from rechargeable storage batteries, fuel cells, or other portable sources of electrical current, and which may include a non-electrical source of power designed to charge batteries and components thereof.

Electrically-actuated service brakes means service brakes that utilize electrical energy to actuate the foundation brakes.

* * * * *

Maximum speed of a vehicle or *VMax* means the highest speed attainable by accelerating at a maximum rate from a standing start for a distance of 3.2 km (2 miles) on a level surface, with the vehicle at its lightly loaded vehicle weight, and, if an EV, with the propulsion batteries at a state of charge of not less than 95 percent at the beginning of the run.

* * * * *

Regenerative braking system or *RBS* means an electrical energy system that is installed in an EV for recovering or dissipating kinetic energy, and which uses the propulsion motor(s) as a retarder for partial braking of the EV while returning electrical energy to the propulsion battery(s) or dissipating electrical energy.

Split service brake system means a brake system consisting of two or more subsystems actuated by a single control, designed so that a single failure in any subsystem (such as a leakage-type failure of a pressure component of a hydraulic subsystem except structural failure of a housing that is common to two or more subsystems, or an electrical failure in an electric subsystem) does not impair the operation of any other subsystem.

* * * * *

S5.1.3 *Regenerative braking system.* (a) For an EV equipped with RBS, the RBS is considered to be part of the service brake system if it is automatically activated by an application of the service brake control, if there is no means provided for the driver to disconnect or otherwise deactivate it, and if it is activated in all transmission positions, including neutral.

(b) For an EV that is equipped with both ABS and RBS that is part of the service brake system, the ABS must control the RBS.

* * * * *

S5.4.3. *Reservoir labeling.* Each vehicle equipped with hydraulic brakes shall have a brake fluid warning statement that reads as follows, in letters at least 3.2 mm (⅛ inch) high: ''WARNING: Clean filler cap before removing. Use only _____ fluid from a sealed container.'' (Inserting the recommended type of brake fluid as specified in 49 CFR 571.116, *e.g.,*''DOT 3.'') The lettering shall be:

* * * * *

S5.5.1. *Activation.* An indicator shall be activated when the ignition (start) switch is in the ''on'' (''run'') position and whenever any of conditions (a) through (g) occur:

* * * * *

(e) For a vehicle with electrically-actuated service brakes, failure of the source of electric power to those brakes, or diminution of state of charge of the batteries to less than a level specified by the manufacturer for the purpose of warning a driver of degraded brake performance.

(f) For a vehicle with electric transmission of the service brake control signal, failure of a brake control circuit.

(g) For an EV with a regenerative braking system that is part of the service brake system, failure of the RBS. An amber lamp may be used displaying the symbol ''RBS.'' RBS failure in a system that is part of the service brake system may also be indicated by an amber lamp that also indicates ABS failure and displays the symbol ''ABS/RBS''.

* * * * *

S5.5.5. *Labeling.*

* * * * *

(d) If separate indicators are used for one or more of the conditions described in S5.5.1(a) through S5.5.1(g), the indicators shall display the following wording:

* * * * *

S6.3.11 *State of charge of batteries for EVs.*

S6.3.11.1 The state of charge of the propulsion batteries is determined in accordance with SAE Recommended Practice J227a, *Electric Vehicle Test Procedure,* February 1976. The applicable sections of J227a are 3.2.1 through 3.2.4, 3.3.1 through 3.3.2.2, 3.4.1 and 3.4.2, 4.2.1, 5.2, 5.2.1 and 5.3.

S6.3.11.2 At the beginning of the burnish procedure (S7.1 of this standard) in the test sequence, each propulsion battery is at the maximum state of charge recommended by the manufacturer, as stated in the vehicle operator's manual or on a label that is permanently attached to the vehicle, of, if the manufacturer has made no recommendation, not less than 95 percent. During the 200-stop burnish procedure, the propulsion batteries are restored to the maximum state of charge determined as above, after each increment of 40 burnish stops until the burnish procedure is complete. The batteries may be charged at a more frequent interval during a particular 40-stop increment only if the EV is incapable of achieving the initial burnish test speed during that increment. During the burnish procedure, the propulsion batteries may be charged by external means or replaced by batteries that are at a state of charge of not less than 95 percent. For an EV having a manual control for setting the level of regenerative braking, the manual control, at the beginning of the burnish procedure, is set to provide maximum regenerative braking throughout the burnish.

S6.3.11.3 At the beginning of each performance test in the test sequence (S7.2 through S7.17 of this standard), unless otherwise specified, an EV's propulsion batteries are at the state of charge recommended by the manufacturer, as stated in the vehicle operator's manual or on a label that is permanently attached to the vehicle, or, if the manufacturer has made no recommendation, at a state of charge of not less than 95 percent. No further charging of any propulsion battery occurs during any of the performance tests in the test sequence of this standard. If the propulsion batteries are depleted during a test sequence such that the vehicle reaches automatic shut-down, will not accelerate, or the low state of charge brake warning lamp is illuminated, the vehicle is to be accelerated to brake test speed by auxiliary means. If a battery is replaced rather than recharged, the replacement battery shall be charged and measured for state of charge in accordance with these procedures.

S6.3.12 *State of charge of batteries for electrically-actuated service brakes.* A vehicle equipped with electrically-actuated service brakes also performs the following test series. Conduct 10 stopping tests from a speed of 100 kph or the maximum vehicle speed, whichever is less. At least two of the 10 stopping distances must be less than or equal to 70 meters. The vehicle is loaded to GVWR and the transmission is in the neutral position when the service brake control is actuated and throughout the remainder of the test. Each battery providing power to the electrically-actuated service brakes, shall be in a depleted state of charge for conditions (a), (b), or (c) of this paragraph as appropriate. An auxiliary means may be used to accelerate an EV to test speed.

(a) For an EV equipped with electrically-actuated service brakes deriving power from the propulsion batteries and with automatic shut-down capability of the propulsion motor(s), the propulsion batteries are at not more than five percent above the EV actual automatic shut-down critical value. The critical value is determined by measuring the state-of-charge of each propulsion battery at the instant that automatic shut-down occurs.

(b) For an EV equipped with electrically-actuated service brakes deriving power from the propulsion batteries and with no automatic shut-down capability of the propulsion motor(s), the propulsion batteries are at an average of not more than five percent above the actual state of charge at which the brake failure warning signal, required by S5.5.1(e) of this standard, is illuminated.

(c) For a vehicle which has one or more auxiliary batteries that provides electrical energy to operate the electrically-actuated service brakes, each auxiliary battery is at not more than five percent above the actual state of charge at which the brake failure

warning signal, required by S5.5.1(e) of this standard, is illuminated.

S6.3.13 *Electric vehicles.*

S6.3.13.1 (a) For an EV equipped with an RBS that is part of the service brake system, the RBS is operational during the burnish and all tests, except for the test of a failed RBS.

(b) For an EV equipped with an RBS that is not part of the service brake system, the RBS is operational and set to produce the maximum regenerative braking effect during the burnish, and is disabled during the test procedures. If the vehicle is equipped with a neutral gear that automatically disables the RBS, the test procedures which are designated to be conducted in gear may be conducted in neutral.

S6.3.13.2 For tests conducted ''in neutral'', the operator of an EV with no ''neutral'' position (or other means such as a clutch for disconnecting the drive train from the propulsion motor(s)) does not apply any electromotive force to the propulsion motor(s). Any electromotive force that is applied to the propulsion motor(s) automatically remains in effect unless otherwise specified by the test procedure.

* * * * *

S7.2.4 *Performance requirements.*

* * * * *

(f) An EV with RBS that is part of the service brake system shall meet the performance requirements over the entire normal operating range of the RBS.

* * * * *

S7.4.5 *Performance requirements.*

* * *

S7.4.5.1 An EV with RBS that is part of the service brake system shall meet the performance requirement over the entire normal operating range of the RBS.

* * * * *

S7.7.3. *Test conditions and procedures.*

* * * * *

(h) For an EV, this test is conducted with no electromotive force applied to the vehicle propulsion motor(s), but with brake power or power assist still operating, unless cutting off the propulsion motor(s) also disables those systems.

* * * * *

S7.10 *Partial failure.*

* * * * *

S7.10.3. *Test conditions and procedures.*

* * * * *

(f) Alter the service brake system to produce any single failure. For a hydraulic circuit, this may be any single rupture or leakage type failure, other than a structural failure of a housing that is common to two or more subsystems. For a vehicle in which the brake signal is transmitted electrically between the brake pedal and some or all of the foundation brakes, regardless of the means of actuation of the foundation brakes, this may be any single failure in any circuit that electrically transmits the brake signal. For an EV with RBS that is part of the service brake system, this may be any single failure in the RBS.

* * * * *

S7.10.4 *Performance requirements.* For vehicles manufactured with a split service brake system, in the event of any failure in a single subsystem, as specified in S7.10.3(f) of this standard, and after activation of the brake system indicator as specified in S5.5.1, the remaining portions of the service brake system shall continue to operate and shall stop the vehicle as specified in S7.10.4(a) or S7.10.4(b). For vehicles not manufactured with a split service brake system, in the event of any failure in any component of the service brake system, as specified in S7.10.3(f), and after activation of the brake system indicator as specified in S5.5.1 of this standard, the vehicle shall, by operation of the service brake control, stop 10 times consecutively as specified in S7.10.4(a) or S7.10.4(b).

S7.11.3. *Test conditions and procedures.*

* * * * *

(m) For vehicles with electrically-actuated service brakes (brake power unit), this test is conducted with any single electrical failure in the electrically-actuated service brakes instead of a failure of any other brake power or brake power assist unit, and all other systems intact.

(n) For an EV with RBS that is part of the service brake system, this test is conducted with the RBS disconnected and all other systems intact.

* * * * *

S7.12.2. *Test conditions and procedures.*

* * * * *

(i) For a vehicle equipped with mechanically-applied parking brakes, make a single application of the parking brake control with a force not exceeding the limits specified in S7.12.2(b). For a vehicle using an electrically-activated parking brake, apply the parking brake by activating the parking brake control.

* * * * *

Issued on: August 26, 1997.

Ricardo Martinez, M.D.

Administrator.

[FR Doc. 97–23318 Filed 9–4–97; 8:45 am]

BILLING CODE 4910–59–P

DEPARTMENT OF TRANSPORTATION

Surface Transportation Board

49 CFR Part 1206

[STB Ex Parte No. 569]

Removal of Obsolete Motor Passenger Carrier Accounting Regulations

AGENCY: Surface Transportation Board, DOT.

ACTION: Final rule.

SUMMARY: The Surface Transportation Board (Board) is removing from the Code of Federal Regulations obsolete rules concerning the Uniform System of Accounts for motor carriers of passengers.

EFFECTIVE DATE: This rule is effective September 5, 1997.

FOR FURTHER INFORMATION CONTACT: Beryl Gordon, (202) 565–1600. [TDD for the hearing impaired: (202) 565–1695.]

SUPPLEMENTARY INFORMATION: Effective January 1, 1996, the ICC Termination Act of 1995, Pub. L. No. 104–88, 109 Stat. 803 (ICCTA), abolished the Interstate Commerce Commission (ICC or Commission) and established the Board within the Department of Transportation. Section 204(a) of the ICCTA provides that ''[t]he Board shall promptly rescind all regulations established by the [ICC] that are based on provisions of law repealed and not substantively reenacted by this Act.''

The regulations in part 1206, establishing a Uniform System of Accounts (USOA) for motor carriers of passengers, were originally issued in 1937. In response to the Motor Carrier Act of 1935, the ICC adopted the regulations pursuant to former section 204 of the Interstate Commerce Act. 2 FR 2689 (December 8, 1937).[1] Section 204 was recodified in 1978 at 49 U.S.C. 11142.[2] Motor passenger carriers used the USOA to develop data for annual and quarterly reports in accordance with 49 CFR part 1249.

In *Elimination of Acctg. & Reporting Reqts. for Motor Carriers of Passengers,* 3 I.C.C.2d 796 (1987), the ICC adopted new accounting and reporting rules for motor passenger carriers. The ICC reduced the quarterly and annual reports prescribed in 49 CFR 1249 to a one-page format. The ICC also decided that the USOA would no longer be prescribed as the basis of motor carrier

[1] They were first published at 49 CFR part 181.

[2] This section provided that the ICC ''may prescribe a uniform accounting system for classes of carriers providing . . . transportation subject to the jurisdiction of the Commission under subchapters II, III, and IV . . . of this title.''

accounting. Instead, carriers could follow generally accepted accounting principles for all reporting and accounting matters. Nevertheless, the part 1206 USOA regulations were left in place. The ICC stated that because of ''the value of the USOA as a reference and its importance to States and others for assuring uniformity of reporting . . .[,] the USOA will remain in the Code of Federal Regulations *for reference purposes only,* but it will not be prescribed as the basis of the Commission's one-page report form.'' 3 I.C.C.2d at 802 (emphasis supplied).

The ICCTA repealed the uniform accounting provisions of section 11142 for motor carriers.[3] Accordingly, we will remove the part 1206 regulations.[4]

The Board certifies that elimination of this rule will not have a significant economic effect on a substantial number of small entities. This regulation has been retained in recent years only as a reference tool.

This action will not significantly affect either the quality of the human environment or the conservation of energy resources.

List of Subjects in 49 CFR Part 1206

Buses, Motor carriers, Uniform System of Accounts.

Decided: August 25, 1997.

By the Board, Chairman Morgan and Vice Chairman Owen.

Vernon A. Williams,

Secretary.

PART 1206—[REMOVED]

For the reasons set forth in the preamble and under the authority of 49 U.S.C. 721(a), title 49, chapter X, of the Code of Federal Regulations is amended by removing Part 1206.

[FR Doc. 97–23460 Filed 9–4–97; 8:45 am]

BILLING CODE 4915–00–P

[3] The ICCTA also transferred authority for collecting financial reports from motor carriers to the Secretary of Transportation (and not this Board), under new 49 U.S.C. 14123. The Secretary has assigned this responsibility to the Bureau of Transportation Statistics. We will address the appropriate disposition of the companion part 1249 regulations in a separate proceeding.

[4] Even without the repeal of the underlying statutory authority, we would have questioned the need or appropriateness of continuing to publish ''for reference purposes only'' more than 70 pages of regulations that are no longer in effect.

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

50 CFR Part 660

[Docket No. 961227373–6373–01; I.D. 082797F]

Fisheries Off West Coast States and in the Western Pacific; Pacific Coast Groundfish Fishery; Sablefish Trip Limit Changes South of 36° N. Lat.

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

ACTION: Fishing restrictions; request for comments.

SUMMARY: NMFS announces a change to restrictions to the Pacific Coast, fixed gear groundfish fisheries for sablefish taken and retained, possessed or landed south of 36° N. lat. This action is authorized by regulations implementing the Pacific Coast Groundfish Fishery Management Plan (FMP), which governs the groundfish fishery off Washington, Oregon, and California. This action is intended to help vessels making longer trips to reduce their discards. It will also improve the flexibility of landings restrictions for fishers south of 36° N. lat. by allowing them to choose whether they will land sablefish under the daily trip limit or under an alternative weekly trip limit.

DATES: Effective 0001 hours local time (l.t.) September 1, 1997. This change remains in effect until the effective date of the 1998 annual specifications and management measures for the Pacific Coast groundfish fishery, unless modified, superseded, or rescinded. Comments will be accepted through September 22, 1997.

ADDRESSES: Submit comments to William Stelle, Jr., Administrator, Northwest Region (Regional Administrator), NMFS, 7600 Sand Point Way NE., Seattle, WA 98115–0070; or William Hogarth, Acting Administrator, Southwest Region, NMFS, 501 West Ocean Blvd., Suite 4200, Long Beach, CA 90802–4213.

FOR FURTHER INFORMATION CONTACT: William L. Robinson at 206–526–6140 or Rodney McInnis at 562–980–4040.

SUPPLEMENTARY INFORMATION: The following changes to routine management measures are based on the best available information, and were recommended by the Pacific Fishery Management Council (Council), in consultation with the states of Washington, Oregon, and California, at its April 8–11, 1997, meeting in Millbrae, CA.

The limited entry fixed gear sablefish fishery south of 36° N. lat. is currently managed with a daily trip limit of 350 lb (136 kg) per day. At the April Council meeting, the Council received testimony from fishers operating in waters south of 36° N. lat. that the daily trip limit results in sablefish discards for fishers who make multi-day trips for other species. Some limited entry fishers in that area take fishing trips of 4–6 days in duration so that they are able to fish on deepwater species living near the seamounts off the coast of southern California. Regardless of the length of the fishing trip, fishers currently may land sablefish only under the daily trip limit. It is possible that on a multi-day trip targeting deep water rockfish, more than 350 lb (136 kg) of sablefish may also be taken. Currently, sablefish exceeding the daily trip limit must be discarded because daily trip limits may not be accumulated over multi-day trips.

At its April 1997 meeting, the Council recommended a measure that would give limited entry, fixed gear sablefish fishers south of 36° N. lat. the option to make just one landing per week of above 350 lb (136 kg) but not more than 1,050 lb (476 kg), rather than the current daily trip limit of 350 lb (136 kg). Fishers may alternatively choose to operate under the current regime, which allows fishers to land 350 lb (136 kg) per day. A fisher may not make a landing larger than 350 lb (136 kg) and continue to land sablefish under the daily trip limit for the rest of the week. For the purposes of this regulation, a week is 7 consecutive days, from 0001 hours l.t. Sunday through 2400 hours l.t. Saturday.

The Council recommended that NMFS set this measure in place for September 1 if no more than 210 mt (462,966 lb) of sablefish have been landed by all gears in the area south of 36° N. lat. through the end of July. The sablefish acceptable biological catch (ABC) for waters south of 36° N. lat. is 425 mt (936,964 lb). Because there is a possibility that this measure may increase the rate of sablefish harvest south of 36° N. lat, the Council placed the 210 mt (462,966 lb) restriction on implementing this measure. The Council expects that, with a south of 36° N. lat. harvest of less than 210 mt (462,966 lb) through the end of July, this measure may be implemented for September through December without the risk of exceeding the sablefish ABC for waters south of 36° N. lat. To further safeguard the ABC, the Council recommended removing the option for one large landing per week if the

sablefish harvest south of 36° N. lat. exceeds 400 mt (881,840 lb) before December 31, 1997.

The best available information indicated that approximately 170 mt (374,782 lb) had been taken by July 31, 1997, in waters south of 36° N. lat. Therefore, this option will be available through December 31, 1997, or until the total sablefish landings for this area exceed 400 mt (881,840 lb) and this provision is changed by NMFS, whichever occurs first. This measure is intended to help vessels making longer trips to reduce their discards and is not intended to accelerate sablefish harvest in waters south of 36° N. lat. NMFS is also updating and clarifying language that explains the trip limits north of 36° N. lat., but that will not change the management regime north of 36° N. lat.

NMFS Action

For the reasons stated above, NMFS concurs with the Council's recommendations and makes the following changes to the 1997 annual management measures (62 FR 700, January 6, 1997, as modified).

1. Effective September 1, 1997, for limited entry, fixed gear fishers landing sablefish south of 36° N. lat., paragraph E.(2)(c) of section IV. is amended to read as follows:

E. *Sablefish and the DTS Complex (Dover Sole, Thornyheads, and Trawl-Caught Sablefish)*

* * * * *

(2) * * *

(c) *Nontrawl trip and size limits.* (i) *Daily trip limit.* The daily trip limit, which applies to sablefish of any size, is in effect north of 36° N. lat. until the closed periods before or after the regular season (as specified at 50 CFR 660.323 (a)(2)) (62 FR 45350), between the end of the regular season and the beginning of the mop-up season, and after the mop-up season. The daily trip limit is in effect throughout the year in Federal waters south of 36° N. lat. (A) The daily trip limit for sablefish taken and retained with nontrawl gear north of 36° N. lat. is 300 lb (136 kg), not to exceed 600 lb (272 kg) cumulative in a calendar month in which the daily trip limit is in effect (e.g., August before the start of the regular season on August 25, 1997; in September after the close of the regular season; and in October after the mop-up season. Exact dates of the mop-up season are yet to be announced.) (B) The daily trip limit for sablefish taken and retained with nontrawl gear south of 36° N. lat. is (1) 350 lb (159 kg) with no cumulative limit on the amount of sablefish that may be retained in a month; or (2) one landing of sablefish per week above 350 lb (159 kg) but not to exceed 1,050 lb (476 kg). A week is 7 consecutive days, from 0001 hours l.t. Sunday through 2400 hours l.t. Saturday.

* * * * *

Classification

This action is authorized by the regulations implementing the FMP. The determination to take this action is based on the most recent data available. The aggregate data upon which the determination is based are available for public inspection at the office of the Regional Administrator (see **ADDRESSES**) during business hours. NMFS has determined that good cause exists for this document to be published without affording a prior opportunity for public comment or a 30-day delayed effectiveness period. Because this action would reduce a burden on some sablefish fishers while reducing discards of sablefish caught south of 36° N. lat., and because the public had an opportunity to comment on the action at the April 1997 Council meeting, providing an opportunity for public comment now is unnecessarily and contrary to the public interest. This rule relieves a restriction. These actions are taken under the authority of 50 CFR 660.323(b)(1), and are exempt from review under E.O. 12866.

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

Dated: August 29, 1997.

Gary C. Matlock,

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

[FR Doc. 97–23561 Filed 8–29–97; 4:50 pm]

BILLING CODE 3510–22–F

Proposed Rules

Federal Register
Vol. 62, No. 172
Friday, September 5, 1997

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

NUCLEAR REGULATORY COMMISSION

10 CFR Part 9

RIN 3150–AF78

Electronic Freedom of Information Act: Implementation

AGENCY: Nuclear Regulatory Commission.

ACTION: Proposed rule.

SUMMARY: The Nuclear Regulatory Commission (NRC) is proposing to amend its regulations to implement the Electronic Freedom of Information Act Amendments of 1996 (EFOIA), which are designed to bring the Freedom of Information Act (FOIA) into the information and electronic age by clarifying that FOIA applies to records maintained in hardcopy or electronic format. The proposed rule would implement statutory provisions of the law that broaden public access to government information by placing more records on-line and expanding the role of the agency public document room. The proposed rule would implement statutory amendments that recognize the difficulty in responding to requests in the 10 working days formerly required and extend that time to 20 working days. It also provides procedures for agencies to discuss ways of tailoring requests to improve responsiveness. The proposed rule would amend NRC's FOIA regulations to comply with the requirements of the new statute. Certain other changes have been made to correct administrative errors and to update or remove obsolete information.

DATES: Submit comments by October 6, 1997. Comments received after this date will be considered if it is practical to do so, but the NRC is able to assure consideration only for comments received on or before this date.

ADDRESSES: Send comments to: Secretary, U.S. Nuclear Regulatory Commission, Washington, DC 20555–0001, Attention: Rulemakings and Adjudications Staff.

Hand deliver comments to: 11555 Rockville Pike, Rockville, Maryland, between 7:30 am and 4:15 pm Federal workdays.

For information on submitting comments electronically, see the discussion under Electronic Access in the Supplementary Information section.

Examine comments received at: The NRC Public Document Room, 2l20 L Street, NW. (Lower Level), Washington, DC.

FOR FURTHER INFORMATION CONTACT: Russell A. Powell, Chief, Freedom of Information/Local Public Document Room Branch, Office of Chief Information Officer, U.S. Nuclear Regulatory Commission, Washington, DC 20555–0001, telephone: (301) 415–7169, e-mail: RAP1@nrc.gov.

SUPPLEMENTARY INFORMATION:

Background Information

On October 2, 1996, the President signed into law the Electronic Freedom of Information Act Amendments of 1996 (EFOIA), Public Law 231, 110 Stat. 3048 (1996). EFOIA includes provisions authorizing or requiring agencies to promulgate regulations implementing certain of its requirements, including the tracking of Freedom of Information Act (FOIA) requests, the aggregation of FOIA requests, and the expedited processing of FOIA requests. In addition, EFOIA changes the time limit for responding to a FOIA request from ten to twenty working days, the requirements for reporting FOIA activities to Congress, and the cases in which an agency may extend the time within which it will respond to a FOIA request. EFOIA also includes provisions regarding the availability of documents in electronic form, the treatment of electronic records, and the establishment of ''electronic reading rooms.''

The Nuclear Regulatory Commission proposes to amend its regulation implementing the FOIA, 10 CFR Part 9. The proposed amendments would revise the NRC's FOIA regulations to comply with EFOIA.

New Provisions

A. New and Revised Definitions

The proposed rule would establish a new title, Freedom of Information Act and Privacy Act Officer, for the designated official responsible for administration of the FOIA and Privacy Act in lieu of using the organizational title of the responsible individual which may not be as indicative of these specific responsibilities. A new definition is proposed to be added to 10 CFR 9.13 to reflect this new title.

The definition of record would be amended to add ''any information that would be an agency record subject to the requirements of (5 USC 552) when maintained by an agency in any format, including an electronic format'' and to read ''Record also includes a book, * * * drawing, diagram, * * *''.

The definition of review time would be revised to remove from the definition the period spent ''excising from the records those portions which are to be withheld.''

B. Electronic Records

Section 3 of EFOIA amends 5 U.S.C. 552(f)(2) to define ''agency record'' for purposes of FOIA as including ''any information that would be an agency record subject to the requirements of (5 U.S.C. 552) when maintained by an agency in any format, including an electronic format.'' Section 552(f) thus clarifies that the term ''agency record'' includes information stored in any computer readable format as well as traditional paper documents. The proposed regulations would amend 10 CFR 9.13 to specifically include information in an electronic format within the definition of the term ''agency record.'' 10 CFR 9.13 specifically includes in the definition of ''search'' time spent reviewing records by automated means as well as manually.

C. Electronic Reading Room

Section 4 of EFOIA amends 5 U.S.C. 552(a)(2), which previously required agencies to make available for public inspection and copying certain information, such as agency opinions and policy statements, administrative staff manuals and staff instructions that affect a member of the public. The new law expands these categories to include agency records that have been made publicly available and are likely to be the subject of repetitive public requests, as well as a general index of these frequently sought documents. The amendments further provide that section 552(a)(2) records created on or after November 1, 1996, must be made

available by computer telecommunications within one year after such date, or if computer telecommunications have not been established, by other electronic means. The general index of these records is to be available by computer telecommunications by December 31, 1999. These new requirements, as well as the on-line address for NRC's homepage on the Internet, would be incorporated in 10 CFR 9.21 (c)(6) and (f).

Finally, where material has been withheld in electronic records made available to the public, the extent of the deletions must now be indicated on the portion of the record made available or published and, where technically possible, must be indicated at the place in the record where the deletion occurred. This new requirement would be included at 10 CFR 9.19(d).

D. Honoring Form or Format of Requests

EFOIA, 5 U.S.C. 552(a)(3) contains three significant new provisions. First, 5 U.S.C. 552(a)(3)(B) requires agencies, when making records available to the public, to do so ''in any form or format requested by the person if the record is readily reproducible by the agency'' in the requested manner. This new requirement would be included in 10 CFR 9.15. Second, 5 U.S.C. 552 (a)(3)(C) makes it clear that when an FOIA request is received, an agency should not only search for hard copies, but should also search for the records in their electronic form. This new requirement would be included in 10 CFR 9.15. Finally, a ''search'' under the amendments means to review, manually ''or by automated means,'' agency records for the purpose of locating those records which are responsive to a request. This new requirement would be incorporated in 10 CFR 9.13 in the definition of ''search time.''

E. Time Limits for Responding to Requests

In recognition of the fact that 10 working days is not a realistic timeframe, the EFOIA amendments, 5 U.S.C. 552(a)(6)(A)(i), extend the time to respond to a request from 10 to 20 working days. 10 CFR 9.25 would be amended to reflect the change in the time limits for initial disclosure determination from 10 to 20 working days effective October 2, 1997.

F. Multitrack Processing of Requests

However, Congress recognized that even with the increase in time to process requests, many agencies may not be prepared to meet a 20 working-day deadline for some requests. Therefore, to help ensure timely agency responses to requests, the new law, 5 U.S.C. 552(a)(6)(D)(i), authorizes agencies to establish separate systems within the agency for handling simple and complex requests. Under these types of systems, called ''multitrack processing,'' requests would be categorized based on the amount of agency effort involved in processing the request. This would replace the current first-in, first out approach generally employed at the NRC. Agencies must still exercise due diligence within each track. The new law, 5 U.S.C. 552(a)(6)(D)(ii), also requires agencies to give requesters the opportunity to limit the scope of their requests to qualify for processing under a faster track. This provision is intended to permit more requests to be completed more quickly by providing an incentive for requesters to frame narrower requests for fewer documents. These new provisions would be incorporated in NRC's proposed three-track system described in 10 CFR 9.25(c).

The first track is for simple requests or requests of moderate complexity that are expected to be completed within 20 working days (e.g., a request that does not involve a large volume of documents, retrieval of documents from regional offices, or extensive coordination between NRC offices).

The second track is for requests involving unusual circumstances that are expected to take between 21–30 working days to complete.

The third track is for requests that, because of their unusual volume or complexity, are expected to take more than 30 working days to complete.

Upon receipt of a request, NRC would notify the requester of the track in which the request has been placed for processing and the estimated time for completion. Should subsequent information substantially change the estimated time to process the request, the requester would be notified telephonically or in writing. A requester may modify the request to allow it to be processed under a different track for a faster response.

G. Unusual Circumstances

Even with use of multitrack processing, Congress recognized that in some circumstances the statutory response time will not be met. The EFOIA retains the provisions for agencies to extend the initial 20 working day response time for an initial request, or the 20 working day response time for an appeal, an additional 10 working days in ''unusual circumstances.'' Agencies must provide the requester with a written justification for the extension that contains the date of the expected agency response. The amendments would retain the definition of ''unusual circumstances'' as time needed to search for and collect the requested records from field facilities or other establishments that are separate from the office processing the request; the need to search for, collect and appropriately examine a voluminous amount of material demanded in a single request; and the need for consultation with another agency having a substantial interest in the determination of the request or among two or more parts of the agency having substantial interest in the request. These consultations must be conducted ''with all practicable speed.'' 5 U.S.C. 552(a)(6)(B)(iii).

H. Exceptional Circumstances

In addition to extensions under unusual circumstances, the EFOIA amendments, 5 U.S.C. 552(a)(6)(B)(ii), authorize the agency to negotiate a response time with a requester that may exceed the statutory maximum (20 working days plus a 10 working-day extension) for those FOIA requests that the agency determines cannot be processed within the statutory time limits. The agency must offer the requester an opportunity to limit the scope of the request so that it may be processed within the prescribed 20 working days. Congress asserted that this process for negotiated time limits reflects the policy that FOIA works best when requesters and agencies work together to define and fulfill reasonable requests. This new provision would be incorporated in 10 CFR 9.25(c).

I. Aggregation of Requests

The EFOIA amendments, 5 U.S.C. 552(a)(6)(B)(iv), authorize agencies to promulgate regulations that allow for the aggregation of FOIA requests by the same requester or by a group of requesters acting together. Aggregation may occur if the agency ''reasonably believes'' that these multiple requests do indeed constitute a single request. This new provision would be implemented in 10 CFR 9.39(e).

J. Requests for Expedited Processing

The EFOIA amendments, 5 U.S.C. 552(a)(6)(E)(i), require agencies to promulgate regulations to provide for ''expedited processing'' in cases where the person requesting the records demonstrates a ''compelling need'' and in other cases where the agency determines expedited processing is warranted. The amendments define ''compelling need'' in two ways. One is where ''a failure to obtain requested

records on an expedited basis * * * could reasonably be expected to pose an imminent threat to the life or physical safety of an individual.'' The other is where a ''person primarily engaged in disseminating information'' to the public has ''an urgency to inform the public concerning actual or alleged Federal Government activity.'' The House Committee report explaining the legislation states that a person ''primarily engaged'' in the business of dissemination of information ''should not include individuals who are engaged only incidentally in the dissemination of information,'' but requires that ''information dissemination be the main activity of the requester, although it need not be their sole occupation.'' A requester who is ''only incidentally'' involved in information dissemination, in addition to other activities, would not satisfy this requirement.

The report further explains that the term ''urgency to inform,'' one of the qualifying elements for expedited processing, must involve a matter of ''current exigency to the American public'' such that any reasonable person could conclude that delaying a response to a FOIA request would compromise a ''significant recognized interest.'' The public's right to know, while ''significant and important,'' would not stand alone as sufficient to satisfy this standard. Agencies will have to make both ''factual and subjective judgments'' about situations cited by requesters as reasons for expedited processing and must demonstrate ''fairness and diligence'' in exercising their discretion. Requesters must provide detailed explanations to support their expedited requests.

The EFOIA amendments, 5 U.S.C. 552(a)(6)(E)(ii), require that agency regulations provide that requesters be given notice within 10 calendar days after the date of the request as to the determination whether it qualifies for expedited processing. Once expedited processing is granted, agencies must process it ''as soon as practicable'' (5 U.S.C. 552 (a)(6)(E)(iii)). Any administrative appeal to a denial of expedited processing must be handled with ''expeditious consideration'' (5 U.S.C. 552 (a)(6)(E)(ii)(II)). If an agency denies the request for expedited processing or fails to act upon the request within the prescribed 10 calendar days, petitioner may seek judicial review. The NRC would implement the EFOIA requirements for expedited processing at 10 CFR 9.25(e) and 9.29.

K. Estimates of the Volume of Materials Denied

EFOIA, 5 U.S.C. 552(a)(6)(F), requires agencies to make a reasonable effort to estimate the volume of any requested record material that is denied in whole or in part, and to provide the estimate to the requester unless providing such estimate would harm an interest protected by a FOIA exemption. This new requirement would be implemented at 10 CFR 9.19(c).

L. Annual Report to Congress

The EFOIA, 5 U.S.C. 552(e), amended the annual requirements for reporting agency FOIA activities to Congress. On or before February 1 of each year beginning in 1999, agencies must submit to the Attorney General an annual report that covers the preceding fiscal year and includes the number of determinations made by the agency not to comply with the requests for records made to the agency and the reasons for those determinations; the number of appeals made by persons, the results of those appeals, and the reason for the action upon each appeal that results in a denial of information; a complete list of all statutes that the agency used to authorize the withholding of information under Section 552(b)(3), which exempts information that is specifically exempted from disclosure by other statutes; a description of whether a court has upheld the decision of the agency to withhold information under each of those statutes cited, and a concise description of the scope of any information upheld; the number of requests for records pending before the agency as of September 30 of the preceding year, and the median number of days that these requests had been pending before the agency as of that date; the number of requests for records received by the agency and the number of requests the agency processed; the median number of days taken by the agency to process different types of requests; the total amount of fees collected by the agency for processing requests; the average amount of time that the agency estimates as necessary, based on the past experience of the agency, to comply with different types of requests; the number of full-time staff of the agency devoted to the processing of requests for records under this section; and the total amount expended by the agency for processing these requests. The NRC would implement this amended EFOIA reporting requirement in 10 CFR 9.45.

The amendments require each agency to make these annual reports available to the public through a computer network, or by other electronic means if computer networking is not a possibility for the agency. The NRC has posted its annual report on its website on the Internet that is accessible through the NRC homepage at: http\\www.nrc.gov. The report is also available in the NRC Public Document Room.

Electronic Access

Comments may be submitted electronically, in either ASCII text or WordPerfect format (version 5.1 or later), by calling the NRC Electronic Bulletin Board (BBS) on FedWorld or connecting to the NRC interactive rulemaking web site, ''Rulemaking Forum.'' The bulletin board may be accessed using a personal computer, a modem, and one of the commonly available communications software packages, or directly via Internet. Background documents on the rulemaking are also available for downloading and viewing on the bulletin board.

If using a personal computer and modem, the NRC subsystem on FedWorld can be accessed directly by dialing the toll free number: 1–800–303–9672. Communication software parameters should be set as follows: parity to none, data bits to 8, and stop bits to 1 (N,8,1). Using ANSI or VT–100 terminal emulation, the NRC rulemaking subsystem can then be accessed by selecting the ''Rules Menu'' option from the ''NRC Main Menu.'' For further information about options available for NRC at FedWorld, consult the ''Help/Information Center'' from the ''NRC Main Menu.'' Users will find the ''FedWorld Online User's Guides'' particularly helpful. Many NRC subsystems and databases also have a ''Help/Information Center'' option that is tailored to the particular subsystem.

The NRC subsystem on FedWorld can also be accessed by a direct-dial phone number for the main FedWorld BBS: 703–321–3339; Telnet via Internet: fedworld.gov (192.239.93.3); File Transfer Protocol (FTP) via Internet:ftp:fedworld.gov (192.239.92.205); and World Wide Web using: http://www.fedworld.gov (this is the Uniform Resource Locator (URL)).

If using a method other than the toll-free number to contact FedWorld, access the NRC subsystem from the main FedWorld menu by selecting ''F—Regulatory, Government Administration and State Systems,'' then selecting ''A—Regulatory Information Mall.'' At that point, a menu will be displayed that has an option ''A—U.S. Nuclear Regulatory Commission'' that will take you to the NRC Online Main Menu. You can also go directly to the NRC Online area by

typing ''/go nrc'' at a FedWorld command line. If you access NRC from FedWorld's Main Menu, then you may return to FedWorld by selecting the ''Return to FedWorld'' option from the NRC Online Main Menu. However, if you access NRC at FedWorld by using NRC's toll-free number, then you will have full access to all NRC systems, but you will not have access to the main FedWorld system.

If you contact FedWorld using Telnet, you will see the NRC area and menus, including the Rules Menu. Although you will be able to download documents and leave messages, you will not be able to write comments or upload files (comments). If you contact FedWorld using FTP, all files can be accessed and downloaded but uploads are not allowed; all you will see is a list of files without descriptions (normal Gopher look). An index file listing all files within a subdirectory, with descriptions, is included. There is a 15-minute time limit for FTP access.

Although FedWorld also can be accessed through the World Wide Web, like FTP, that mode only provides access for downloading files and does not display the NRC Rules Menu.

You may also access the NRC's interactive rulemaking web site through the NRC home page (http://www.nrc.gov). This site provides the same access as the FedWorld bulletin board, including the facility to upload comments as files (any format), if your web browser supports that function.

For more information on NRC bulletin boards call Mr. Arthur Davis, Systems Integration and Development Branch, U.S. Nuclear Regulatory Commission, *Telephone:* 301–415–5780; *e-mail:* AXD3@nrc.gov. For information about the interactive rulemaking site, contact Ms. Carol Gallagher, *Telephone:* 301–415–6215; *e-mail:* CAG@nrc.gov.

Environmental Impact—Categorical Exclusion

The NRC has determined that this proposed rule is the type of action described in categorical exclusion 10 CFR 51.22(c)(1). Therefore, neither an environmental impact statement nor an environmental assessment has been prepared for this proposed rule.

Paperwork Reduction Act Statement

This proposed rule does not contain a new or amended information collection requirement subject to the Paperwork Reduction Act of 1995 (44 U.S.C. 3501 *et seq.*). Existing requirements were approved by the Office of Management and Budget, approval number 3150–0043.

Public Protection Notification

The NRC may not conduct or sponsor, and a person is not required to respond to, a collection of information unless it displays a currently valid OMB control number.

Regulatory Analysis

This proposed rule would implement the EFOIA by amending 10 CFR Part 9, Subpart A—Freedom of Information Act Regulations. This is an administrative regulatory action that would make NRC's regulations reflect the new provisions of the EFOIA. The proposed rule would not have any adverse economic impact on any class of licensee or the NRC; on the contrary, the proposed rule with its new provisions allowing expedited and multitrack processing may provide some new and additional benefit to those who may opt to use these regulations to obtain access to NRC records and information.

This constitutes the regulatory analysis for this proposed rule.

Regulatory Flexibility Certification

As required by the Regulatory Flexibility Act (5 U.S.C. 605(b)), the Commission certifies that this rule does not have a significant economic impact on a substantial number of small entities. The amendments to 10 CFR Part 9 are procedural in nature and are required to implement the Electronic Freedom of Information Act Amendments of 1996 (EFOIA), 5 U.S.C. 552.

Backfit Analysis

The NRC has determined that the backfit rule 10 CFR 50.109 does not apply to this proposed rule; therefore, a backfit analysis is not required for this proposed rule because these amendments do not involve any provisions that would impose backfits as defined in 10 CFR Chapter I.

List of Subjects in 10 CFR Part 9

Criminal penalties, Freedom of information, Privacy, Reporting and recordkeeping requirements, Sunshine Act.

For the reasons set out in the preamble and under the authority of the Atomic Energy Act of 1954, as amended; the Energy Reorganization Act of 1974, as amended; and 5 U.S.C. 552, 552a, and 553; the NRC is proposing to adopt the following amendment of 10 CFR Part 9, Subpart A—Freedom of Information Act Regulations.

PART 9—PUBLIC RECORDS

1. The authority citation for Part 9 continues to read as follows:

Authority: Sec. 161, 68 Stat. 948, as amended (42 U.S.C. 2201); sec. 201, 88 Stat. 1242, as amended (42 U.S.C. 5841).

Subpart A also issued under 5 U.S.C. 552; 31 U.S.C. 9701; Pub. L. 99–570.

Subpart B is also issued under 5 U.S.C. 552a.

Subpart C also issued under 5 U.S.C. 552b.

2. In § 9.8, paragraph (b) is revised to read as follows:

§ 9.8 Information collection requirements: OMB approval.

* * * * *

(b) The approved information collection requirements contained in this part appear in §§ 9.23, 9.29, 9.40, 9.41, 9.53, 9.54, 9.55, 9.65, 9.66, and 9.67.

3. In Part 9, Subpart A is revised to read as follows:

Subpart A—Freedom of Information Act Regulations

Sec.

Subpart A—Freedom of Information Act Regulations

§ 9.11 Scope of subpart.

This subpart prescribes procedures for making NRC records available to the public for inspection and copying pursuant to the provisions of the Freedom of Information Act (5 U.S.C. 552) and provides notice of procedures for obtaining NRC records otherwise publicly available. This subpart does not affect the dissemination or distribution of NRC-originated, or NRC contractor-originated, information to the

public under any other NRC public, technical, or other information program or policy.

§ 9.13 Definitions.

Agency record means a record in the possession and control of the NRC that is associated with Government business. Agency record does not include records such as—

(1) Publicly-available books, periodicals, or other publications that are owned or copyrighted by non-Federal sources

(2) Records solely in the possession and control of NRC contractors;

(3) Personal records in possession of NRC personnel that have not been circulated, were not required to be created or retained by the NRC, and can be retained or discarded at the author's sole discretion, or records of a personal nature that are not associated with any Government business; or

(4) Non-substantive information in logs or schedule books of the Chairman or Commissioners, uncirculated except for typing or recording purposes.

Commercial-use request means a request made under § 9.23(b) for a use or purpose that furthers the commercial, trade, or profit interests of the requester or the person on whose behalf the request is made.

Direct costs mean the expenditures that an agency incurs in searching for and duplicating agency records. For a commercial-use request, direct costs include the expenditures involved in reviewing records to respond to the request. Direct costs include the salary of the employee category performing the work based on that basic rate of pay plus 16 percent of that rate to cover fringe benefits and the cost of operating duplicating machinery.

Duplication means the process of making a copy of a record necessary to respond to a request made under § 9.23. Copies may take the form of paper copy, microform, audio-visual materials, disk, magnetic tape, or machine readable documentation, among others.

Educational institution means an institution that operates a program or programs of scholarly research. Educational institution refers to a preschool, a public or private elementary or secondary school, an institution of graduate higher education, an institution of undergraduate higher education, an institution of professional education, or an institution of vocational education.

Freedom of Information Act and Privacy Act Officer means the NRC official designated to fulfill the responsibilities for implementing and administering the Freedom of Information Act and Privacy Act as specifically designated under this regulation.

Noncommercial scientific institution means an institution that is not operated on a commercial basis, as the term ''commercial'' is referred to in the definition of ''commercial-use request,'' and is operated solely for the purpose of conducting scientific research, the results of which are not intended to promote any particular product or industry.

Office, unless otherwise indicated, means all offices, boards, panels, and advisory committees of the NRC.

Record means any information that would be an agency record subject to the requirements of the Freedom of Information Act when maintained by the NRC in any format, including an electronic format. Record also includes a book, paper, map, drawing, diagram, photograph, brochure, punch card, magnetic tape, paper tape, sound recording, pamphlet, slide, motion picture, or other documentary material regardless of form or characteristics. Record does not include an object or article such as a structure, furniture, a tangible exhibit or model, a vehicle, or piece of equipment.

Representative of the news media means any person actively gathering news for an entity that is organized and operated to publish or broadcast news to the public. The term news means information that is about current events or that would be of current interest to the public. Examples of news media entities include television or radio stations broadcasting to the public at large, and publishers of periodicals (but only in those instances when they can qualify as disseminators of ''news'') who make their products available for purchase or subscriptions by the general public.

Review time means the period devoted to examining records retrieved in response to a request to determine if they are in fact responsive, and to determine whether they are exempt from disclosure in whole or in part. Also, review time includes the period devoted to examining records to determine which Freedom of Information Act exemptions are applicable and identifying records or portions thereof to be disclosed.

Search time means the period devoted to reviewing, manually or by automated means, agency records for the purpose of locating those records which are responsive to a request. This includes a page-by-page or line-by-line identification of responsive information within the records.

Unusual circumstances mean—

(1) The need to search for and collect the requested records from field facilities or other establishments that are separate from the office processing the request;

(2) The need to search for, collect, and appropriately examine a voluminous amount of separate and distinct records which are demanded in a single request; or

(3) The need for consultation, which will be conducted with all practicable speed, with another agency having a substantial interest in the determination of the request or among two or more components of the NRC having substantial subject-matter interest therein.

§ 9.15 Availability of records.

The NRC will make available for public inspection and copying any reasonably described agency record in the possession and control of the NRC under the provisions of this subpart, and upon request by any person. Records will be made available in any form or format requested by a person if the record is readily reproducible by NRC in that form or format. NRC will make reasonable efforts to maintain its records in forms or formats that are reproducible. NRC will make reasonable efforts to search for records in electronic form or format when requested, except when these efforts would significantly interfere with the operation of any of the NRC's automated information systems. Records that the NRC routinely makes publicly available are described in § 9.21. Procedures and conditions governing requests for records are set forth in § 9.23.

§ 9.17 Agency records exempt from public disclosure.

(a) The following types of agency records are exempt from public disclosure under § 9.15:

(1) Records—

(i) That are specifically authorized under criteria established by an Executive order to be kept secret in the interest of national defense or foreign policy, and

(ii) That are in fact properly classified pursuant to such Executive order

(2) Records related solely to the internal personnel rules and practices of the agency

(3) Records specifically exempted from disclosure by statute (other than 5 U.S.C. 552b), provided that the statute—

(i) Requires that the matters be withheld from the public in a manner that leaves no discretion on the issue; or

(ii) Establishes particular criteria for withholding or refers to particular types of matters to be withheld

(4) Trade secrets and commercial or financial information obtained from a person that are privileged or confidential

(5) Interagency or intra-agency memorandums or letters that would not be available by law to a party other than an agency in litigation with the agency

(6) Personnel and medical files and similar files, the disclosure of which would constitute a clearly unwarranted invasion of personal privacy

(7) Records or information compiled for law enforcement purposes, but only to the extent that the production of these law enforcement records or information—

(i) Could reasonably be expected to interfere with enforcement proceedings

(ii) Would deprive a person of a right to a fair trial or an impartial adjudication

(iii) Could reasonably be expected to constitute an unwarranted invasion of personal privacy;

(iv) Could reasonably be expected to disclose the identity of a confidential source, including a State, local, or foreign agency or authority, or any private institution which furnished information on a confidential basis, and, in the case of a record or information compiled by a criminal law enforcement authority in the course of a criminal investigation, or by an agency conducting a lawful national security intelligence investigation, information furnished by a confidential source

(v) Would disclose techniques and procedures for law enforcement investigations or prosecutions, or would disclose guidelines for law enforcement investigations or prosecutions if the disclosure could reasonably be expected to risk circumvention of the law; or

(vi) Could reasonably be expected to endanger the life or physical safety of any individual;

(8) Matters contained in or related to examination, operating, or condition reports prepared by, on behalf of, or for the use of any agency responsible for the regulation or supervision of financial institutions; or

(9) Geological and geophysical information and data, including maps, concerning wells.

(b) Nothing in this subpart authorizes withholding of information or limiting the availability of records to the public except as specifically provided in this part, nor is this subpart authority to withhold information from Congress.

(c) Whenever a request is made that involves access to agency records described in paragraph (a)(7) of this section, the NRC may, during only the time as that circumstance continues, treat the records as not subject to the requirements of this subpart when—

(1) The investigation or proceeding involves a possible violation of criminal law; and

(2) There is reason to believe that—

(i) The subject of the investigation or proceeding is not aware of its pendency; and

(ii) Disclosure of the existence of the records could reasonably be expected to interfere with enforcement proceedings.

§ 9.19 Segregation of exempt information and deletion of identifying details.

(a) For records required to be made available under 5 U.S.C. 552(a)(2), the NRC shall delete information that is exempt under one or more of the exemptions cited in § 9.17. The amount of information deleted will be indicated on the released portion of the record, unless providing this indication would harm an interest protected by the exemption(s) under which the matter has been withheld.

(b) In responding to a request for information submitted under § 9.23, in which it has been determined to withhold exempt information, the NRC shall segregate—

(1) Information that is exempt from public disclosure under § 9.17(a) from nonexempt information; and

(2) Factual information from advice, opinions, and recommendations in predecisional records unless the information is inextricably intertwined, or is contained in drafts, legal work products, and records covered by the lawyer-client privilege, or is otherwise exempt from disclosure.

(c) In denying a request for records, in whole or in part, NRC will make a reasonable effort to estimate the volume of any information requested that is denied and provide the estimate to the person making the request, unless providing the estimate would harm an interest protected by the exemption(s) under which the information has been denied.

(d) When entire records or portions thereof are denied and deletions are made from parts of the record by computer, the amount of information deleted will be indicated on the released portion of the record, unless providing this indication would harm an interest protected by the exemption(s) under which the matter has been denied.

§ 9.21 Publicly-available records.

(a) Publicly-available records of NRC activities described in paragraphs (c) and (d) of this section are available through the National Technical Information Service. Subscriptions to these records are available on 48x microfiche and may be ordered from the National Technical Information Service, 5285 Port Royal Road, Springfield, VA 22161. Single copies of NRC publications in the NUREG series, NRC Regulatory Guides, and Standard Review Plans are also available from the National Technical Information Service.

(b) For the convenience of persons who may wish to inspect without charge or purchase copies of a record or a limited category of records for a fee, publicly available records of the NRC's activities described in paragraph (c) of this section are also made available at the NRC Public Document Room. The NRC Public Document Room is located at 2120 L Street, NW., Washington, DC, and is open between 7:45 a.m. and 4:15 p.m. on Monday through Friday, except Federal holidays.

(c) The following records of NRC activities are publicly available at the NRC Public Document Room for public inspection and copying:

(1) Final opinions including concurring and dissenting opinions as well as orders of the NRC issued as a result of adjudication of cases;

(2) Statements of policy and interpretations that have been adopted by the NRC and have not been published in the **Federal Register**;

(3) Nuclear Regulatory Commission rules and regulations;

(4) Nuclear Regulatory Commission Manuals and instructions to NRC personnel that affect any member of the public;

(5) Copies of records that have been released to a person under the Freedom of Information Act that, because of the nature of their subject matter, the NRC determines have become or are likely to become the subject of subsequent requests for substantially the same records.

(6) A general index of the records released under the FOIA.

(d) Current indexes to records that are made publicly available are listed in NUREG–0540, ''Title of List of Documents Made Publicly Available,'' which is published monthly. The records required to be made available under 5 U.S.C. 552(a)(2) are included in this listing.

(e) Records made publicly available under paragraphs (c) (1), and (2) of this section are also available for purchase through the National Technical Information Service.

(f) By November 1, 1997, NRC will begin making records identified in paragraph (c) of this section that were created after November 1, 1996, available by electronic means, including computer telecommunications to the extent NRC has implemented its

telecommunications capability, unless the records have been promptly published and copies offered for sale. Telecommunications access can be obtained via the Internet by accessing the NRC Home Page on the Internet at:http//www.nrc.gov/.

§ 9.23 Requests for records.

(a)(1) A person may request access to records routinely made available by the NRC under § 9.21 in person or in writing at the NRC Public Document Room, 2120 L Street, NW., Washington, DC 20555.

(i) Each record requested must be described in sufficient detail to enable the Public Document Room to locate the record. If the description of the record is not sufficient to allow the Public Document Room staff to identify the record, the Public Document Room will advise the requester to select the record from the indexes published under § 9.21(c)(6).

(ii) In order to obtain copies of records expeditiously, a person may open an account at the Public Document Room with the private contracting firm that is responsible for duplicating NRC records.

(2) A person may also order records routinely made available by the NRC under § 9.21 from the National Technical Information Service, 5285 Port Royal Road, Springfield, Virginia, 22161.

(b) A person may request agency records by submitting a request authorized by 5 U.S.C. 552(a)(3) to the Freedom of Information Act and Privacy Act Officer, Office of Chief Information Officer, U.S. Nuclear Regulatory Commission, Washington, DC 20555. The request must be in writing and clearly state on the envelope and in the letter that it is a ''Freedom of Information Act request.'' The NRC does not consider a request as received until it has been received and logged in by the office of the Freedom of Information Act and Privacy Act Officer.

(1) A Freedom of Information Act request covers only agency records that are in existence on the date the Freedom of Information Act and Privacy Act Officer receives the request. A request does not cover agency records destroyed or discarded before receipt of a request or which are created after the date of the request.

(2) All Freedom of Information Act requests for copies of agency records must reasonably describe the agency records sought in sufficient detail to permit the NRC to identify the requested agency records. Where possible, the requester should provide specific information regarding dates, titles, docket numbers, file designations, and other information which may help identify the agency records. If a requested agency record is not described in sufficient detail to permit its identification, the Freedom of Information Act and Privacy Act Officer will contact the requester within 10 working days after receipt of the request and inform the requester of the additional information or clarification needed to process the request.

(3) Upon receipt of a request made under paragraph (b) of this section, the NRC will provide written notification to the requester that indicates the request has been received, the name and telephone number of the NRC point of contact to find out the status of the request, and other pertinent matters regarding the processing of the request.

(4)(i) The NRC shall advise a requester that fees will be assessed if—

(A) A request involves anticipated costs in excess of the minimum specified in § 9.39; and

(B) Search and duplication is not provided without charge under § 9.39; or

(C) The requester does not specifically state that the cost involved is acceptable or acceptable up to a specified limit.

(ii) The NRC has discretion to discontinue processing a request made under this paragraph (b) until—

(A) A required advance payment has been received;

(B) The requester has agreed to bear the estimated costs;

(C) A determination has been made on a request for waiver or reduction of fees; or

(D) The requester meets the requirements of § 9.39.

(c) If a requested agency record that has been reasonably described is located at a place other than the NRC Public Document Room or NRC headquarters, the NRC may, at its discretion, make the record available for inspection and copying at the other location.

(d) Except as provided in § 9.39—

(1) If the record requested under paragraph (b) of this section is a record available through the National Technical Information Service, the NRC shall refer the requester to the National Technical Information Service; and

(2) If the requested record has been placed in the NRC Public Document Room under § 9.21, the NRC will inform the requester that the record is in the Public Document Room and that the record may be obtained in accordance with the procedures set forth in paragraph (a) of this section or, if applicable, is available on line electronically.

(e) The Freedom of Information Act and Privacy Act Officer will promptly forward a Freedom of Information Act request made under § 9.23(b) for an agency record to the head of the office(s) primarily concerned with the records requested, as appropriate. The responsible office will conduct a search for the agency records responsive to the request and compile those agency records to be reviewed for initial disclosure determination and/or identify those that have already been made publicly available in the Public Document Room and Local Public Document Rooms.

§ 9.25 Initial disclosure determination.

(a) Time for initial disclosure determination. The NRC will notify a requester within 20 working days of its determination. If the NRC cannot act upon the request within this period, the NRC will provide the requester with the reasons for the delay and provide a projected response date.

(b) Extension of time limit in unusual circumstances. In unusual circumstances, the NRC may extend the time limit prescribed in paragraph (a) of this section by not more than 10 working days. The extension may be made by written or telephonic notice to the person making the request to explain the reasons for the extension and indicate the date on which a determination is expected to be made. ''Unusual circumstances'' is limited to one or more of the following reasons for delay:

(1) The need to search for and collect the requested records from field facilities or other establishments that are separate from the office processing the request;

(2) The need to search for, collect, and appropriately examine a voluminous amount of separate and distinct records which are demanded in a single request; or

(3) The need for consultation, which will be conducted with all practicable speed, with another agency having a substantial interest in the determination of the request or among two or more components of the NRC having substantial subject-matter interest therein.

(c) Exceptional circumstances. A requester may be notified in certain exceptional circumstances, when it appears that a request cannot be completed within the allowable time, and will be provided an opportunity to limit the scope of the request so that it may be processed in the time limit, or to agree to a reasonable alternative time frame for processing. For purposes of this paragraph, the term ''exceptional

circumstances'' does not include delays that result from the normal predictable workload of FOIA requests or a failure by the NRC to exercise due diligence in processing the request. A requester's unwillingness to agree to reasonable modification of the request or an alternative time for processing the request may be considered as factors in determining whether exceptional circumstances exist and whether the agency exercised due diligence in responding to the request.

(d) Multiple-Track processing. To ensure the most equitable treatment possible of all requesters, the NRC will process requests on a first-in, first-out basis, using multiple tracking systems based upon the estimated time it will take to process the request.

(1) NRC uses a three-track system.

(i) The first track is for requests of simple to moderate complexity that are expected to be completed within 20 working days.

(ii) The second track is for requests involving unusual circumstances that are expected to take between 21–30 working days to complete (e.g. requests involving possible records from two or three offices and/or various types of files of moderate volume, of which, some are expected to be exempt)

(iii) The third track is for requests that, because of their unusual volume or other complexity, are expected to take more than 30 working days to complete (e.g. requests involving several offices, regional offices, another agency's records, classified records requiring declassification review, records from businesses that are required to be referred to the submitter for their proprietary review prior to disclosure, records in large volumes which require detailed review because of the sensitive nature of the records such as investigative records or legal opinions and recordings of internal deliberations of agency staff).

(2) Upon receipt of requests, NRC will notify requesters of the track in which the request has been placed for processing and the estimated time for completion. Should subsequent information substantially change the estimated time to process a request, the requester will be notified telephonically or in writing. A requester may modify the request to allow it to be processed faster or to reduce the cost of processing. Partial responses may be sent to requesters as documents are obtained by the FOIA office from the supplying offices.

(e) Expedited processing. (1) NRC may place a person's request at the front of the queue for the appropriate track for that request upon receipt of a written request that clearly demonstrates a compelling need for expedited processing. For purposes of determining whether to grant expedited processing, the term compelling need means—

(i) That a failure to obtain requested records on an expedited basis could reasonably be expected to pose an imminent threat to the life or physical safety of an individual; or

(ii) With respect to a request made by a person primarily engaged in disseminating information, urgency to inform the public concerning actual or alleged Federal Government activity.

(2) A person requesting expedited processing must include a statement certifying the compelling need given to be true and correct to the best of his or her knowledge and belief.

(3) The Freedom of Information Act and Privacy Act Officer will make the initial determination whether to grant or deny a request for expedited processing and will notify a requester within 10 calendar days after the request has been received whether expedited processing will be granted.

(f) Disclosure Review. The head of the responsible office shall review agency records located in a search under § 9.23(b) to determine whether the agency records are exempt from disclosure under § 9.17(a). If the head of the office determines that, although exempt, the disclosure of the agency records will not be contrary to the public interest and will not affect the rights of any person, the head of the office may authorize disclosure of the agency records. If the head of the office authorizes disclosure of the agency records, the head of the office will furnish the agency records to the Freedom of Information Act and Privacy Act Officer, who will notify the requester of the determination in the manner provided in § 9.27.

(g) Initial disclosure determinations on requests for records located in offices under the Executive Director for Operations, the office of the Chief Financial Officer, and the office of the Chief Information Officer. Except as provided in paragraph (h) of this section, if, as a result of the review specified in paragraph (f) of this section, the head of the responsible office finds that agency records should be denied in whole or in part, the head of the office will submit that finding to the Freedom of Information Act and Privacy Act Officer, who will, in consultation with the Office of the General Counsel, make an independent determination whether the agency records should be denied in whole or in part. If the Freedom of Information Act and Privacy Act Officer determines that the agency records sought are exempt from disclosure and disclosure of the records is contrary to the public interest and will adversely affect the rights of any person, the Freedom of Information Act and Privacy Act Officer will notify the requester of the determination in the manner provided in § 9.27.

(h) Initial disclosure determinations on requests for records located in offices other than offices under the Executive Director for Operations. For agency records located in the office of a Commissioner or in the Office of the Secretary of the Commission, the Assistant Secretary of the Commission will make the initial determination to deny agency records in whole or in part under § 9.17(a) instead of the Freedom of Information Act and Privacy Act Officer. For agency records located in the Office of the General Counsel, the General Counsel will make the initial determination to deny agency records in whole or in part instead of the Freedom of Information Act and Privacy Act Officer. For agency records located in the Office of the Inspector General, the Assistant Inspector General for Investigations will make the initial determination to deny agency records in whole or in part instead of the Freedom of Information Act and Privacy Act Officer. If the Assistant Secretary of the Commission, the General Counsel, or the Assistant Inspector General for Investigations determines that the agency records sought are exempt from disclosure and that their disclosure is contrary to the public interest and will adversely affect the rights of any person, the Assistant Secretary of the Commission, the General Counsel, or the Assistant Inspector General for Investigations will furnish that determination to the Freedom of Information Act and Privacy Act Officer, who will notify the requester of the determination in the manner provided in § 9.27

(i) Records and information originated by another Federal agency. If a requested record is located that was originated or contains information originated by another Federal Government agency, or deals with subject matter over which an agency other than the NRC has exclusive or primary responsibility, the NRC will promptly refer the record to that Federal Government agency for disposition or for guidance regarding disposition.

(j) If the NRC does not respond to a request within the 20 working-day period, or within the extended periods described in paragraph (e) of this section, the requester may treat that delay as a denial of the request and immediately appeal to the Executive

Director for Operations as provided in § 9.29(a) or sue in a district court as noted in § 9.29(c).

§ 9.27 Form and content of responses.

(a) When the NRC has located a requested agency record and has determined to disclose the agency record, the Freedom of Information Act and Privacy Act Officer will promptly furnish the agency record or notify the requester where and when the agency record will be available for inspection and copying. The NRC will also advise the requester of any applicable fees under § 9.35. The NRC will routinely place copies of non-sensitive agency records disclosed in response to Freedom of Information Act requests in the NRC Public Document Room and on microfiche in Local Public Document Rooms. Records will not be routinely placed in the NRC Public Document Room and Local Public Document Rooms that contain information personal to the requester, matters that are not likely to be of public interest to anyone other than the requester; or, that contain privileged or proprietary information that should only be disclosed to the requester.

(b) When the NRC denies access to a requested agency record or denies a request for expedited processing or for a waiver or reduction of fees, the Freedom of Information Act and Privacy Act Officer will notify the requester in writing. The denial will include as appropriate—

(1) The reason for the denial;

(2) A reference to the specific exemption under the Freedom of Information Act, or other appropriate reason, and the Commission's regulations authorizing the denial;

(3) The name and title or position of each person responsible for the denial of the request, including the head of the office recommending denial of the record;

(4) A statement stating why the request does not meet the requirements of § 9.41 if the request is for a waiver or reduction of fees; and

(5) A statement that the denial may be appealed within 30 calendar days from the date of the denial to the Executive Director for Operations, to the Secretary of the Commission, or to the Inspector General, as appropriate.

(c) The Freedom of Information Act and Privacy Act Officer will maintain a copy of each letter granting or denying requested agency records, denying a request for expedited processing, or denying a request for a waiver or reduction of fees in accordance with the NRC Comprehensive Records Disposition Schedule.

§ 9.29 Appeal from initial determination.

(a) A requester may appeal a notice of denial of a Freedom of Information Act request for access to agency records, denial of a request for waiver or reduction of fees, or denial of a request for expedited processing under this subpart within 30 calendar days of the date of the NRC's denial. For agency records denied by an Office Director reporting to the Executive Director for Operations, the appeal must be in writing and addressed to the Executive Director for Operations, U.S. Nuclear Regulatory Commission, Washington, DC 20555. For agency records denied by an Office Director reporting to the Commission, the Assistant Secretary of the Commission, or the Advisory Committee Management Officer and for a denial of a request for a waiver or reduction of fees, or denial of a request for expedited processing, the appeal must be in writing and addressed to the Secretary of the Commission. For agency records denied by the Assistant Inspector General for Investigations, the appeal must be in writing and addressed to the Inspector General. The appeal should clearly state on the envelope and in the letter that it is an ''Appeal from Initial FOIA Decision.'' The NRC does not consider an appeal that is not marked as indicated in this paragraph as received until it is actually received by the Executive Director for Operations, Secretary of the Commission, or the Inspector General.

(b) The NRC will make a determination on any appeal made under this section within 20 working days after the receipt of the appeal, except an appeal of the denial of a request for expedited processing will be determined within 10 working days after receipt of the appeal.

(c) (1) If the appeal is denied in whole or in part, the Executive Director for Operations or a Deputy Director, the Secretary of the Commission, or the Inspector General, as appropriate, will notify the requester of the denial, explaining the exemptions relied upon and how the exemptions apply to the agency records withheld.

(2) If, on appeal, the denial of a request for expedited processing or for a waiver or reduction of fees for locating and reproducing agency records is upheld in whole or in part, the Secretary of the Commission will notify the person making the request of the decision to sustain the denial, including a statement explaining why the request does not meet the requirements of § 9.25(e) (1) and (2) or § 9.41.

(3) The Executive Director for Operations, or a Deputy Executive Director, or the Secretary of the Commission, or the Inspector General will inform the requester that the denial is a final agency action and that judicial review is available in a district court of the United States in the district in which the requester resides or has a principal place of business, in which the agency records are situated, or in the District of Columbia.

(d) The Executive Director for Operations, or a Deputy Executive Director, or the Secretary of the Commission, or the Inspector General will furnish copies of all appeals and written determinations on appeals to the Freedom of Information Act and Privacy Act Officer.

§ 9.31 Extension of time for response.

(a) In unusual circumstances defined in § 9.13, the NRC may extend the time limits prescribed in § 9.25 or § 9.29 by not more than 10 working days. The extension may be made by written notice to the person making the request to explain the reasons for the extension and indicate the date on which a determination is expected to be dispatched.

(b) An extension of the time limits prescribed in §§ 9.25 and 9.29 may not exceed a combined total of 10 working days per request, unless a requester has agreed to an alternative time frame as described in § 9.25(c).

§ 9.33 Search, review, and special service fees.

(a) The NRC charges fees for—

(1) Search, duplication, and review, when agency records are requested for commercial use;

(2) Duplication of agency records provided in excess of 100 pages when agency records are not sought for commercial use and the request is made by an educational or noncommercial scientific institution, or a representative of the news media;

(3) Search and duplication of agency records in excess of 100 pages for any request not described in paragraphs (a) (1) and (2) of this section;

(4) The direct costs of searching for agency records. The NRC will assess fees even when no agency records are located as a result of the search or when agency records that are located as a result of the search are not disclosed; and

(5) Computer searches which includes the cost of operating the Central Processing Unit for the portion of operating time that is directly attributable to searching for agency records plus the operator/programmer salary apportionable to the search.

(b) The NRC may charge requesters who request the following services for the direct costs of the service:

(1) Certifying that records are true copies; or

(2) Sending records by special methods, such as express mail, package delivery service, courier, and other means other than ordinary mail.

(3) Producing or converting records to formats specified by a requester other than ordinary copying processes that are readily available in NRC.

§ 9.34 Assessment of interest and debt collection.

(a) The NRC will assess interest on the fee amount billed starting on the 31st day following the day on which the billing was sent in accordance with NRC's regulations set out in § 15.37 of this chapter. The rate of interest is prescribed in 31 U.S.C. 3717.

(b) The NRC will use its debt collection procedures under part 15 of this chapter for any overdue fees.

§ 9.35 Duplication fees.

(a)(1) Charges for the duplication of records made available under § 9.21 at the NRC Public Document Room (PDR), 2120 L Street, NW. (Lower Level), Washington, DC., by the duplicating service contractor are as follows:

(i) Paper to paper reproduction is $0.08 per page standard size (up to and including 11 x 17 inches reduced). Pages 11 x 17 inches are $0.15 each. Pages larger than 11 x 17 inches, including drawings, are $1.50 each. Pages greater than legal size, 8½ x 14 inches, and smaller than or equal to 11 x 17 inches will be reduced to legal size and reproduced for $0.08 per page, unless the order specifically requests full size reproduction.

(ii) Microfiche to paper reproduction is $0.08 per page. Aperture card blowbacks are $3.00 each (reduced size) or $5.00 (full size).

(iii) Microfiche or aperture card duplications are $0.75 each.

(iv) Rush processing is offered for standard size paper to paper reproduction and blowbacks, excluding standing order documents and pages reproduced from bound volumes. The charge is $0.15 per page.

(v) Facsimile charges are: $0.30 per page—local calls; $0.50 per page—U.S. long distance; and $1.50 per page—foreign long distance.

(2) Self-service duplicating machines are available at the Public Document Room for the use of the public. Paper to paper copy is $0.08 per page. Microfiche to paper is $0.10 per page on the reader printers.

(3) A requester may submit mail-order requests for contractor duplication of NRC records made by writing to the NRC Public Document Room. The charges for mail-order duplication of records are the same as those set out in paragraph (a)(1) of this section, plus mailing or shipping charges.

(4) A requester may open an account with the duplicating service contractor. A requester may obtain the name and address and billing policy of the contractor from the NRC Public Document Room.

(5) Any change in the costs specified in this section will become effective immediately pending completion of the final rulemaking that amends this section to reflect the new charges. The Commission will post the charges that will be in effect for the interim period in the Public Document Room. The Commission will publish a final rule in the **Federal Register** that includes the new charges within 15 working days from the beginning of the interim period.

(b) The NRC will assess the following charges for copies of records to be duplicated by the NRC at locations other than the NRC Public Document Room located in Washington, DC or at local Public Document Rooms:

(1) Sizes up to 8½ x 14 inches made on office copying machines— $0.20 per page of copy; and

(2) The charge for duplicating records other than those specified in paragraphs (a) and (b) of this section is computed on the basis of NRC's direct costs.

(c) In compliance with the Federal Advisory Committee Act, a requester may purchase copies of transcripts of testimony in NRC Advisory Committee proceedings, which are transcribed by a reporting firm under contract with the NRC directly from the reporting firm at the cost of reproduction as provided for in the contract with the reporting firm. A requester may also purchase transcripts from the NRC at the cost of reproduction as set out in paragraphs (a) and (b) of this section.

(d) Copyrighted material may not be reproduced in violation of the copyright laws. As such, requesters will be given the citation to any copyrighted documents and a copy of the material will be placed in the Public Document Room where it may be viewed by requesters.

(e) The cost for duplicating NRC records located in NRC Local Public Document Rooms are established by the institutions maintaining the NRC Local Public Document Room collections.

§ 9.37 Fees for search and review of agency records by NRC personnel.

The NRC will charge the following hourly rates for search and review of agency records by NRC personnel:

(a) Clerical search, review, and duplication at a salary rate that is equivalent to a GG–7/step 5, plus 16 percent fringe benefits;

(b) Professional/managerial search, review, and duplication at a salary rate that is equivalent to a GG–13/step 5, plus 16 percent fringe benefits; and

(c) Senior executive or Commissioner search, review, and duplication at a salary rate that is equivalent to an ES–3, plus 16 percent fringe benefits.

§ 9.39 Search and duplication provided without charge.

(a) The NRC will search for agency records requested under § 9.23(b), without charges when agency records are not sought for commercial use and the records are requested by an educational or noncommercial scientific institution, or a representative of the news media.

(b) The NRC will search for agency records requested under § 9.23(b) without charges for the first two hours of search for any request not sought for commercial use and not covered in paragraph (a) of this section.

(c) The NRC will duplicate agency records requested under § 9.23(b) without charge for the first 100 pages of standard paper copies, or the equivalent cost of 100 pages of standard paper copies when providing the requester copies in microfiche or electronic form such as computer disks, if the requester is not a commercial use requester.

(d) The NRC may not bill any requester for fees if the cost of collecting the fee would be equal to or greater than the fee itself.

(e) The NRC may aggregate requests in determining search and duplication to be provided without charge as provided in paragraphs (a) and (b) of this section, if the NRC finds a requester or group of requesters acting in concert, have filed multiple requests that actually constitute a single request, and that the requests involve clearly-related matters.

§ 9.40 Assessment of fees.

(a) If the request is expected to require the NRC to assess fees in excess of $25 for search and/or duplication, the NRC will notify the requester that fees will be assessed unless the requester has indicated in advance his or her willingness to pay fees as high as estimated.

(b) In the notification, the NRC will include the estimated cost of search fees and the nature of the search required and estimated cost of duplicating fees.

(c) The NRC will encourage requesters to discuss with the NRC the possibility of narrowing the scope of the request with the goal of reducing the cost while

retaining the requester's original objective.

(d) If the fee is determined to be in excess of $250, the NRC will require an advance payment.

(e) Unless a requester has agreed to pay the estimated fees or, as provided for in paragraph (d) of this section, the requester has paid an estimated fee in excess of $250, the NRC may not begin to process the request.

(f) If the NRC receives a new request and determines that the requester has failed to pay a fee charged within 30 calendar days of receipt of the bill on a previous request, the NRC may refuse to accept the new request for processing until payment is made of the full amount owed on the prior request, plus any applicable interest assessed as provided in § 9.34.

(g) Within 10 working days of the receipt of NRC's notice that fees will be assessed, the requester will provide advance payment if required, notify the NRC in writing that the requester agrees to bear the estimated costs, or submit a request for a waiver or reduction of fees pursuant to § 9.41.

§ 9.41 Requests for waiver or reduction of fees.

(a)(1) The NRC will collect fees for searching for, reviewing, and duplicating agency records, except as provided in § 9.39, unless a requester submits a request in writing for a waiver or reduction of fees. To ensure that there will be no delay in the processing of Freedom of Information Act requests, the request for a waiver or reduction of fees should be included in the initial Freedom of Information Act request letter.

(2) Each request for a waiver or reduction of fees must be addressed to the Freedom of Information Act and Privacy Act Officer, Office of Chief Information Officer, U.S. Nuclear Regulatory Commission, Washington, DC 20555.

(b) A person requesting the NRC to waive or reduce search, review, or duplication fees will—

(1) Describe the purpose for which the requester intends to use the requested information;

(2) Explain the extent to which the requester will extract and analyze the substantive content of the agency record;

(3) Describe the nature of the specific activity or research in which the agency records will be used and the specific qualifications the requester possesses to utilize information for the intended use in such a way that it will contribute to public understanding;

(4) Describe the likely impact on the public's understanding of the subject as compared to the level of public understanding of the subject before disclosure;

(5) Describe the size and nature of the public to whose understanding a contribution will be made;

(6) Describe the intended means of dissemination to the general public;

(7) Indicate if public access to information will be provided free of charge or provided for an access fee or publication fee; and

(8) Describe any commercial or private interest the requester or any other party has in the agency records sought.

(c) The NRC will waive or reduce fees, without further specific information from the requester if, from information provided with the request for agency records made under § 9.23(b), it can determine that disclosure of the information in the agency records is in the public interest because it is likely to contribute significantly to public understanding of the operations or activities of the Federal Government and is not primarily in the commercial interest of the requester.

(d) In making a determination regarding a request for a waiver or reduction of fees, the NRC will consider the following factors:

(1) How the subject of the requested agency records concerns the operations or activities of the Federal Government;

(2) How the disclosure of the information is likely to contribute to an understanding of Federal Government operations or activities;

(3) If disclosure of the requested information is likely to contribute to public understanding;

(4) If disclosure is likely to contribute significantly to public understanding of Federal Government operations or activities;

(5) If, and the extent to which, the requester has a commercial interest that would be furthered by the disclosure of the requested agency records; and

(6) If the magnitude of the identified commercial interest of the requester is sufficiently large, in comparison with the public interest in disclosure, that disclosure is primarily in the commercial interest of the requester.

(e) The Freedom of Information Act and Privacy Act Officer will make an initial determination whether a request for a waiver or reduction of fees meets the requirements of this section. The Freedom of Information Act and Privacy Act Officer will inform requesters whenever their request for a waiver or reduction of fees is denied and will inform them of their appeal rights under § 9.29.

§ 9.43 Processing requests for a waiver or reduction of fees.

(a) Within 20 working days after receipt of a request for access to agency records for which the NRC agrees to waive fees under § 9.39(a) through (d) or § 9.41(c), the NRC will respond to the request as provided in § 9.25.

(b) In making a request for a waiver or reduction of fees, a requester shall provide the information required by § 9.41(b).

(c) After receipt of a request for the waiver or reduction of fees made in accordance with § 9.41, the NRC will either waive or reduce the fees and notify the requester of the NRC's intent to provide the agency records promptly or deny the request and provide a statement to the requester explaining why the request does not meet the requirements of § 9.41(b).

(d) As provided in § 9.29, a requester may appeal a denial of a request to waive or reduce fees to the Secretary to the Commission. The appeal must be submitted within 30 calendar days from the date of the notice.

§ 9.45 Annual report to Congress.

(a) On or before February 1 of each year, the NRC will submit a report covering the preceding fiscal year to the Attorney General of the United States which shall include—

(1) The number of determinations made by the NRC to deny requests for records made to the NRC under this part and the reasons for each determination;

(2) The number of appeals made by persons under § 9.29, the results of the appeals, and the reason for the action taken on each appeal that results in a denial of information;

(3) A complete list of all statutes that the NRC relied upon to withhold information under subsection (b)(3) of 5 U.S.C. 552, a description of whether a court has upheld the decision of the NRC to withhold information under each such statute, and a concise description of the scope of any information withheld;

(4) The number of requests for records pending before the NRC as of September 30 of the preceding year, and the median number of days that such requests had been pending before the agency as of that date;

(5) The number of requests for records received by the NRC and the number of requests that the NRC processed;

(6) The median number of days taken to process different types of requests;

(7) The total amount of fees collected by the NRC for processing requests;

(8) The number of full-time staff of the NRC devoted to processing requests under the FOIA and the total amount expended for processing these requests.

(b) The NRC will make a copy of each report available to the public on the NRC homepage on the Internet that can be accessed at: http\\www.nrc.gov. A copy will also be available for public inspection and copying in the NRC Public Document Room.

Dated at Rockville, Maryland, this 19th day of August, 1997.

For the Nuclear Regulatory Commission.

Arnold E. Levin

Arnold E. Levin, Acting Chief Information Officer.

[FR Doc. 97–23612 Filed 9–4–97; 8:45 am]

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DEPARTMENT OF THE INTERIOR

Office of Surface Mining Reclamation and Enforcement

30 CFR Part 917

[KY–215–FOR]

Kentucky 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 Kentucky regulatory program (hereinafter the ''Kentucky program'') under the Surface Mining Control and Reclamation Act of 1977 (SMCRA). The proposed amendment consists of revisions to the Kentucky regulations pertaining to subsidence, water replacement, impoundments, definitions, subsidence control, sedimentation ponds, hydrology, and permits. The amendment is intended to revise the Kentucky program to be consistent with the corresponding Federal regulations.

DATES: Written comments must be received by 4 p.m., [E.D.T.], October 6, 1997. If requested, a public hearing on the proposed amendment will be held on September 30, 1997. Requests to speak at the hearing must be received by 4 p.m., [E.D.T.], on September 22, 1997.

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

Copies of the Kentucky 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 Lexington Field Office.

William J. Kovacic, Director, Lexington Field Office, Office of Surface Mining Reclamation and Enforcement, 2675 Regency Road, Lexington, Kentucky 40503, Telephone: (606) 233–2896.

Department of Surface Mining Reclamation and Enforcement, 2 Hudson Hollow Complex, Frankfurt, Kentucky 40601, Telephone: (502) 564–6940.

FOR FURTHER INFORMATION CONTACT: William J. Kovacic, Director, Lexington Field Office, Telephone: (606) 233–2896.

SUPPLEMENTARY INFORMATION:

I. Background on the Kentucky Program

On May 18, 1982, the Secretary of the Interior conditionally approved the Kentucky program. Background information on the Kentucky program, including the Secretary's findings, the disposition of comments, and the conditions of approval can be found in the May 18, 1982 **Federal Register** (47 FR 21404). Subsequent actions concerning the conditions of approval and program amendments can be found at 30 CFR 917.11, 917.13, 917.15, 917.16, and 917.17.

II. Description of the Proposed Amendment

By letter dated July 30, 1997 (Administrative Record No. KY–1410), Kentucky submitted a proposed amendment to its program revising section 405 of the Kentucky Administrative Regulations (KAR) at 8:001, 8:030, 8:040, 16:001, 16:060, 16:090, 16:100, 16:160, 18:001, 18:060, 18:090, 18:100, 18:160, and 18:210.

Specifically, Kentucky proposes to make the following changes. At section 8:001—Definitions (405 KAR Chapter 8), Kentucky is defining the following terms:

Community of Institutional Building means any structure, other than a public building or occupied dwelling, which is used primarily for meetings, gatherings, or functions of local civic organizations or other community groups; functions as an educational, cultural, historic, religious, scientific, correctional, mental health or physical health care facility; or is used for public services including, but not limited to, water supply, power generation, or sewage treatment.

Impounding Structure means a dam, embankment, or other structure used to impound water, slurry, or other liquid or semi-liquid material.

Impoundment means a water, sediment, slurry, or other liquid or semi-liquid holding structure or depression, either naturally formed or artificially built.

Material Damage means (a) any functional impairment of surface lands, features, structures or facilities: (b) any physical change that has a significant adverse impact on the affected land's capability to support any current or reasonably foreseeable uses of causes significant loss in production or income; or (c) any significant change in the condition, appearance, or utility of any structure or facility from its pre-subsidence condition.

Noncommercial Building means any building, other than an occupied residential dwelling, that at the time subsidence occurs, is used on a regular or temporary basis as a public building or community or institutional building. Any building used only for commercial, agricultural, industrial, retail, or other commercial enterprises is excluded.

Occupied Residential Dwelling and Structures Related Thereto means any building or other structure, that at the time the subsidence occurs, is used either temporarily, occasionally, seasonally, or permanently for human habitation. This term also includes any building, structure, or facility installed on, above or below, or a combination thereof, the land surface if that building, structure, or facility is adjunct to or used in connection with an occupied residential dwelling.

Previously Mined Area means land that was affected by coal mining operations conducted prior to August 3, 1977, that has not been reclaimed to prescribed standards.

At section 8:030—Surface Coal Mining Permits, Kentucky is making the following changes. At subsection 16, Kentucky is requiring that a permit application identify and describe certain alternative water supply information if the determination of probable hydrologic consequences results in certain indications. At subsection 32(3)(e), Kentucky is requiring that a determination of probable hydrologic consequences include a finding on whether the proposed surface mining activities may proximately result in contamination, diminution, or interruption of an underground or surface source of water that is used for domestic, agricultural, industrial, or other legitimate use within the permit

area or adjacent areas at the time the application is submitted. At subsection 34(2), Kentucky is deleting the requirement that sedimentation ponds or earthen structures which will remain on the proposed permit area as a permanent water impoundment be designed to comply with the requirements of 405 KAR 16:100. Also deleted is the requirement that plans comply with Mine Safety and Health Administration (MSHA) requirements. At subsection 34(3)—Permanent and Temporary Impoundments, Kentucky is defining the criteria for plans for impoundments meeting the size or other criteria of MSHA, 30 CFR 77.216(a). The plan is to be submitted to the Kentucky Natural Resources and Environmental Protection Cabinet (Cabinet) for approval as part of the permit application. At subsection 34(4), the term ''coal processing waste banks'' is changed to ''coal mine waste banks.'' At subsection 34(5)—Coal Mine Waste Dams and Embankments, Kentucky is requiring that plans for impounding structures be submitted to the Cabinet as part of the permit application. At subsection 34(6), Kentucky is specifying the plan requirements for Class B—moderate hazard structures, Class C—high hazard structures, and those structures meeting the size or other criteria of MSHA, 30 CFR 77.216(a).

At section 8:040—Underground Coal mining Permits, Kentucky is proposing the following revisions. At subsection 16, Kentucky is requiring that if the probable hydrologic consequences determination indicates that the proposed underground mining activities may proximately result in contamination, diminution, or interruption of an underground or surface source of water within the proposed permit area or adjacent area which is used for domestic, agricultural, industrial, or other legitimate use, the application must identify and describe the adequacy and suitability of the alternative sources of water supply that could be developed for existing premining uses and approved postmining land uses.

At subsection 26, Kentucky is requiring that a permit application contain certain information pertaining to subsidence control. In general terms, the application must contain a map showing the land, structures, and water supplies that may be adversely affected by subsidence. The application must also include a narrative indicating whether subsidence, if it occurred, could cause material damage or other specified adverse affects. The application must also include an example of a presubsidence survey notification letter to the owners of all water supplies and structures. A subsidence control plan must be submitted if certain conditions are present. The subsidence plan must include certain descriptions and maps which detail the degree of subsidence and subsidence control measures to be implemented, along with other related information Kentucky deems necessary.

At subsection 32(1)(e), Kentucky is requiring the permit applications contain a determination that includes a finding on whether the proposed underground mining activities conducted after July 16, 1994, may be proximately result in contamination, diminution, or interruption of an underground or surface source of water that is used for domestic, agricultural, industrial, or other legitimate use within the permit area or adjacent areas at the time the application is submitted.

At subsections 34(2)–(6), Kentucky is making the same revisions described at the corresponding subsections for surface mines at section 8:030 above.

At section 16:001—Definitions (405 KAR Chapter 16), Kentucky is making the following changes. The definitions of ''Impounding Structure,'' ''Impoundment,'' and ''Previously Mined Area'' are identical to those described at section 8:001 above. The term ''Other Treatment Facilities'' is revised to mean any chemical treatments such as flocculation or neutralization, or mechanical structures such as clarifiers or precipitators, that have a point source discharge and are utilized to prevent additional contributions of dissolved or suspended solids to streamflow runoff outside the permit area or to comply with 405 KAR 16:070.

At section 16:060—Hydrologic Requirements, Kentucky is making the following changes. At subsection 8(1), Kentucky is requiring that the operator promptly replace the water supply as described. In addition to the baseline information required by the regulations, other relevant information available to the Cabinet will be used to determined the impact of mining activities upon the water supply.

At subsection 8(2), Kentucky specifies the permittee's obligations if replacement of a water supply is required. If the water supply to be replaced is a domestic supply, the permittee must provide water supply on both a temporary and permanent basis according to the specified conditions. If the water supply to be replaced is other than a domestic supply, the permittee must provide water supply on both a temporary and permanent basis on a schedule established by the Cabinet on a case by case basis according to specified standards and pay certain operation and maintenance costs.

At subsection 8(3), Kentucky specifies the conditions for providing a suitable alternative water source. At subsection 8(4), Kentucky specifies the permittee's obligation to obtain an additional performance bond and the Cabinet's obligation to release the additional amount if the permittee has satisfactorily completed the required water replacement.

At section 16:090—Sedimentation Ponds, Kentucky is making the following changes. At subsection 1, Kentucky specifies the general design, construction, and certification requirements for sedimentation ponds. At subsection 2, Kentucky is requiring that the plan for clean-out operations include a time schedule or clean-out elevations, or a combination, that shall provide periodic sediment removal sufficient to maintain adequate volume for the sediment to be collected during the design precipitation event. At subsection 3, Kentucky is requiring that sedimentation ponds be designed, constructed, and maintained to contain and treat the runoff from 10 and 24 hour precipitation events according to certain specifications. At subsection 5, Kentucky is requiring that sediment be removed from sedimentation ponds in accordance with the approved clean-out plan. Spillways shall be provided in accordance with 405 KAR 16:100. Requirements that appear elsewhere in Kentucky's regulations have been deleted.

At section 16:100—Permanent and Temporary Impoundments, Kentucky is making the following changes. At subsection 1(3), Kentucky is requiring that all Class B and C impoundments have a minimum static safety factor of 1.5 for the normal pool and a seismic safety factor of at least 1.2. Impoundments not included above, except coal mine waste impoundments, shall have a minimum static safety factor of 1.3 for the normal pool with steady state seepage saturation conditions.

At subsection 1(5), Kentucky is requiring that foundation investigations be performed for all Class B and C impoundments. At subsection 1(6), Kentucky permits the use of a 24 hour duration in lieu of 6 hours of a design precipitation event specified in this subsection. Class A structures that do not meet MSHA criteria shall pass a 25 year, 6 hour precipitation event if it is a temporary structure, or a 50 year, 6 hour precipitation event if it is a permanent structure. Class A structures

meeting MSHA criteria shall pass a 100 year, 6 hour precipitation event.

At subsection 1(9)(c), Kentucky is providing an exemption for impoundments with no embankment structure, that is completely incised, or is created by a depression left by backfilling and grading, that is not a sedimentation pond or coal mine waste impoundment and is not otherwise intended to facilitate active mining, unless the Cabinet determines that engineering inspection and certification are necessary.

At subsection 1(10)(a), Kentucky is requiring that Class B and C impoundments be examined in accordance with 30 CFR 77.216–3. At subsection 1(10)(b), Kentucky is exempting impoundments with no embankment structure, that is completely incised, or is created by a depression left by backfilling and grading from periodic examination requirements.

At section 16:160—Coal Mine Waste Dams and Impoundments, Kentucky is making the following changes. At subsection 1(3), Kentucky is prohibiting the permanent retention as part of the approved postmining land use of impounding structures constructed of coal mine waste or intended to impound coal mine waste. At subsection 2(2), Kentucky is allowing the use of 24 hours instead of 6 hours for the duration of the 100 year design precipitation event. At subsection 3(1)(a), Kentucky is requiring that an impounding structure constructed of coal mine waste or intended to impound coal mine waste that meets the criteria of 30 CFR 77.216(a) has sufficient spilway capacity to safely pass, adequate storage capacity to safely contain, or a combination, to safely control the probable maximum precipitation of a 6 hour event, unless the Cabinet requires a longer duration. At subsection 3(1)(b), Kentucky is requiring that an impounding structure with a drainage area of 10 square miles or less that does not have an open channel emergency spillway have a closed conduit principal spillway that meets the requirements of this paragraph. The impounding structure must have sufficient storage capacity available to store the entire runoff from the probable maximum precipitation event while maintaining the required freeboard against overtopping, disregarding flow through the principal spillway. Other spillway and conduit specifications are provided. At subsection 4, Kentucky is requiring that for a dam or impoundment constructed of or impounding coal mine waste, at least 90% of the water stored during the design precipitation event must be removed within the 10 day period following the design precipitation event.

At section 18:001—Definitions (KAR Chapter 18), Kentucky is making the following changes. The definitions of ''Community or Institutional Building,'' ''Impounding Structure,'' ''Impoundment,'' ''Material Damage,'' ''Noncommercial Building,'' ''Occupied Residential Dwelling and Structures Related Thereto,'' and ''Previously Mined Area'' are identical to those described at section 8:001 above. The definition of ''Other Treatment Facilities'' is identical to that described in section 16:001 above. The term ''Angle of Draw'' is revised to mean the angle of inclination between the vertical at the edge of the underground mine workings and the point of zero vertical displacement at the edge of a subsidence trough.

At section 18:060—Hydrologic Requirements, Kentucky's revisions to subsections 12 (1)–(4) are identical to those at 16:060 subsections 8 (1)–(4) described above.

At section 18:090—Sedimentation Ponds, Kentucky's revisions are identical to those at 16:090 described above.

At section 18:100—Permanent and Temporary Impoundments, Kentucky's revisions are identical to those at 16:100 described above.

At section 18:060—Hydrologic Requirements, Kentucky is adding subsection 12(1). The provisions are identical to the regulations at 16:060 subsection 8(1) described above. Kentucky's revisions to subsections 12 (2)–(4) are identical to those at 16:060 subsections (2)–(4).

At section 18:160—Coal Mine Waste Dams and Impoundments, Kentucky's revisions are identical to those at 16:160 described above.

At section 18:210—Subsidence Control, Kentucky is proposing the following changes. At subsection 1, Kentucky specifies the general requirements a permittee must comply with. The permittee must either adopt measures consistent with known technology that prevent subsidence from causing material damage to the extent technologically and economically feasible, maximize mine stability, and maintain the value the reasonably foreseeable use of surface lands or adopt mining technology that provides for planned subsidence in a predictable and controlled manner. If a permittee employs mining technology that provides for planned subsidence in a predictable and controlled manner, the permittee shall take necessary and prudent measures, consistent with the mining method employed to minimize material damage to the extent technologically and economically feasible to noncommercial buildings and occupied residential dwellings and related structures. The measures are not required if the permittee has the written consent of their owners or the anticipated damage would constitute a threat to health or safety, the costs of the measures exceed the anticipated costs of repair. The permittee is required to conduct a presubsidence survey of structures and water supplies. The permittee must pay for any technical assessment or engineering evaluation and must provide copies of the survey and assessments to the property owner and Cabinet. The owner's or representative's name must be included in the report if he or she is present at the time of the survey or assessment. If the owner disagrees with the results of the survey, he or she may submit in writing to the Cabinet a description of the areas of disagreement. Underground operations shall not be conducted within 1,500 feet horizontally of a structure or water supply for which a survey is required, with certain exceptions.

At subsection 2, Kentucky is requiring that the permittee mail a notification to all owners and occupants of surface property and structures within the area above the underground workings. The notification shall include dates that specific areas will be undermined and the location or locations where the permittee's subsidence control plan may be examined.

At subsection 3, Kentucky is requiring the permittee to correct any material damage resulting from subsidence caused to surface lands, to the extent technologically and economically feasible, by restoring the land to a condition capable of maintaining the value and reasonably foreseeable uses that it was capable of supporting before subsidence damage. The permittee must promptly repair, or compensate the owner for, material damage resulting from subsidence caused to any noncommercial building or occupied residential dwelling or related structure that existed at the time of mining. For other structures, the permittee must repair the damage or compensate the owner for the full amount of the decrease in value resulting from the subsidence. A rebuttable presumption exists that the permittee caused the damage if damage to any noncommercial building or occupied residential dwelling occurs a result of earth movement within an area determined by projecting a specified angle of draw from the outermost boundary of any underground mine

workings to the surface of the land. A permittee may request that the presumption apply to an angle of draw different from that established above. No presumption where access for presubsidence survey is denied. All relevant and reasonably available information shall be considered by the Cabinet. If subsidence-related material damage to land, structures, or facilities occurs, the Cabinet shall require the permittee to obtain additional performance bond in the amount of the estimated cost of the repairs if the permittee will be repairing, or in the amount of the decrease in value if the permittee will be compensating the owner, until the repair or compensation is completed. Certain exceptions and conditions apply. The additional bond amount may be reduced by the amount of the insurance coverage a permittee has applicable to subsidence damage. The additional bond amount may be released if the permittee has satisfactorily completed the required repair of compensation.

At subsection 4, Kentucky is prohibiting underground mining activities beneath or adjacent to public buildings and facilities, churches, schools, and hospitals, or impoundments with a storage capacity of 20 acre-feet or more or bodies of water with a volume of 20 acre-feet or more. Unless the subsidence control plan demonstrates that subsidence will not cause material damage to, or reduce the reasonably foreseeable use of, the features or facilities. If subsidence causes material damage, the Cabinet may suspend mining until the subsidence plan is modified.

At subsection 5, Kentucky is requiring that within 45 days after the first day of January following each year in which underground mining activities are conducted, and at any other time upon written request by the Cabinet, the permittee shall submit two copies of a detailed plan of the existing and proposed underground workings.

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 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 commenter'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 include 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 p.m., (E.D.T.) on September 22, 1997. The location and time of the hearing will be arranged with those persons requesting the hearing. If no one requests an opportunity to speak at the public hearing, the hearing will not be held.

Filing of a written statement at the time of the hearing is requested at 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 12988

The Department of the Interior has conducted the reviews required by section 2 of Executive Order 12988 (Civil Justice Reform) and has determined that, to the extent allowed by law, this rule meets the applicable standards of subsections (a) and (b) of that section. However, these standards are not applicable to the actual language of State regulatory programs and program amendments since each such program is drafted and promulgated by a specific State, not by OSM. Under sections 503 and 505 of SMCRA (30 U.S.C. 1253 and 1255) and 30 CFR 730.11, 732.15, and 732.17(h)(10), decisions on proposed State regulatory programs and program amendments submitted by the States must be based solely on a determination of whether the submittal is consistent with SMCRA and its implementing Federal regulations and whether the other requirements of 30 CFR parts 730, 731, and 732 have been met.

National Environmental Policy Act

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

Paperwork Reduction Act

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

Regulatory Flexibility Act

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

Unfunded Mandates

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

List of Subjects in 30 CFR Part 917

Intergovernmental relations, Surface mining, Underground mining.

Dated: August 27, 1997.

Allen D. Klein,

Regional Director, Appalachian Regional Coordinating Center.

[FR Doc. 97–23583 Filed 9–4–97; 8:45 am]

BILLING CODE 4310–05–M

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Parts 9 and 86

[FRL–5881–4]

Proposed Amendments to the Test Procedures for Heavy-Duty Engines, and Light-Duty Vehicles and Trucks and Proposed Amendments to the Emission Standard Provisions for Gaseous Fueled Vehicles and Engines

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice of proposed rulemaking (NPRM).

SUMMARY: This notice proposes the promulgation of amendments to several sections of the heavy-duty engine test procedure regulations in 40 CFR part 86. These proposed changes are needed in order to accommodate the use of new testing equipment, to provide greater flexibility in the type of testing equipment used and to ensure uniform calibration and use of the testing equipment. The proposed amendments will ensure the continued validity of testing results and ensure that heavy-duty engines are being exercised appropriately over the test procedures. This document also proposes to make limited changes to the light-duty vehicle and truck test procedure regulations and the gaseous fuel emission standards in 40 CFR part 86. Because the Agency views the provisions of this proposed rulemaking as noncontroversial and does not expect to receive adverse comments, these provisions are also being issued as a direct final rule in the Final Rules section of this **Federal Register**.

DATES: Comments on the regulations proposed by this action must be received on or before October 6, 1997 or thirty days after the date of a public hearing, if one is held. If no party notifies EPA by October 6, 1997 that adverse or critical comments will be submitted on this proposal, no further activity is contemplated in relation to this proposed rule and the direct final rule in the Final Rules section of this **Federal Register** will automatically go into effect on the date specified in that rule. If adverse comments are timely received on the direct final rule, the rule will be withdrawn and all public comment received on it will be addressed in a subsequent final rule based on the proposed rule. Because the Agency will not institute a second comment period on this proposed rule, any parties interested in commenting should do so during this comment period.

The Agency will hold a public hearing regarding these proposed amendments if it receives a request to testify at a hearing by October 6, 1997. Members of the public should call the contact person indicated below to notify EPA of their interest in testifying at a hearing. Interested parties may call the contact person after October 6, 1997 to determine whether and where the hearing will be held.

ADDRESSES: Interested parties may submit written comments in response to this document (in duplicate, if possible) to Public Docket A–96–07 at Air Docket Section, U.S. Environmental Protection Agency, First Floor, Waterside Mall, Room M–1500, 401 M Street SW., Washington, DC 20460. A copy of the comments should also be sent to the contact person listed below.

Materials relevant to this document have been placed in Docket No. A–96–07 by EPA. The docket is located at the above address and may be inspected from 8:00 a.m. to 5:30 p.m. on weekdays. EPA may charge a reasonable fee for copying docket materials.

FOR FURTHER INFORMATION CONTACT: Mr. Jaime Pagán, U.S. EPA, Engine Programs and Compliance Division, 2565 Plymouth Road, Ann Arbor, MI 48105. Telephone (313) 668–4574.

SUPPLEMENTARY INFORMATION: EPA's Smoke Exhaust and Gaseous and Particulate Exhaust Test Procedures for certification and Selective Enforcement Audit (SEA) provide a consistent method for testing and obtaining emissions data from heavy-duty engines. This notice proposes the promulgation of amendments to the test procedures in order to accommodate the use of new testing equipment and clarify certain issues that have been identified since these procedures were first published.

Over the last few years, EPA and the Engine Manufacturers Association (EMA) have worked together to identify the issues that needed revision or clarification. During these interactions, suggestions were made involving specific changes to the test procedures. In general, the technical amendments proposed in this action fall into two categories. First, many of the proposed amendments are simply clarifications that will help remove any potential ambiguities or inconsistencies. Second, another group of proposed amendments take into account testing equipment and/or engine technology that was not as widely used when the rule was first written.

The proposed changes to the Smoke Exhaust Test Procedure include clarifications regarding the operation of the dynamometer, accommodation of additional test equipment and more details on meter light sources to be used. The test procedures for SEA contain a new requirement that asks manufacturers to decide, before the initial cold cycle, whether they will measure background particulate matter (PM) or not. The amendments proposed for the Gaseous and Particulate Test Procedures cover the calibration requirements of gas analyzers, the use of accessory loads, conditions for use of charge air cooling devices and the permitted point deletions from regression analysis.

Lastly, three proposed minor changes to the Gaseous Fueled Vehicle Rule, established in a September 21, 1994 notice (59 FR 48472), are made. The regulatory text of that rule contained several minor errors and areas where the applicability of various standards to gaseous-fueled vehicles was not clear in the regulations, although all of the applicability issues were discussed in the preamble.

For further supplemental information, the detailed rationale for this proposal, and the regulatory revisions see the information provided in the direct final rule published in a separate part of this **Federal Register**.

List of Subjects

40 CFR Part 9

Reporting and recordkeeping requirements.

40 CFR Part 86

Environmental protection, Administrative practice and procedures, Air pollution control, Confidential business information, Gasoline, Incorporation by reference, Labeling, Motor vehicles, Motor vehicle pollution, Reporting and recordkeeping requirements.

Dated: August 18, 1997.

Carol M. Browner,

Administrator.

[FR Doc. 97–23354 Filed 9–4–97; 8:45 am]

BILLING CODE 6560–50–P

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 52

[MO 034–1034(b); FRL–5886–2]

Approval and Promulgation of Implementation Plans; State of Missouri

AGENCY: Environmental Protection Agency (EPA).

ACTION: Proposed rule.

SUMMARY: The EPA proposes to approve the State Implementation Plan (SIP) revision submitted by the state of Missouri for the purpose of updating its transportation conformity rules. In the final rules section of the **Federal Register**, the EPA is approving the state's SIP revision as a direct final rule without prior proposal because the Agency views this as a noncontroversial revision amendment and anticipates no adverse comments. A detailed rationale for the approval is set forth in the direct final rule. If no adverse comments are received in response to this proposed rule, no further activity is contemplated in relation to this rule. If the EPA receives adverse comments, the direct final rule will be withdrawn and all public comments received will be addressed in a subsequent final rule based on this proposed rule. The EPA will not institute a second comment period on this document. Any parties interested in commenting on this document should do so at this time.

DATES: Comments on this proposed rule must be received in writing by October 6, 1997.

ADDRESSES: Comments may be mailed to Christopher D. Hess, Environmental Protection Agency, Air Planning and Development Branch, 726 Minnesota Avenue, Kansas City, Kansas 66101.

FOR FURTHER INFORMATION CONTACT: Christopher D. Hess at (913) 551–7213.

SUPPLEMENTARY INFORMATION: See the information provided in the direct final rule which is located in the rules section of the **Federal Register**.

Dated: August 15, 1997.

William Rice,

Acting Regional Administrator.

[FR Doc. 97–23453 Filed 9–4–97; 8:45 am]

BILLING CODE 6560–50–P

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 300

[FRL–5887–1]

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

AGENCY: Environmental Protection Agency.

ACTION: Notice of intent to delete the LaGrand Sanitary Landfill Site from the national priorities list; request for comments.

SUMMARY: The United States Environmental Protection Agency (U.S. EPA) Region V announces its intent to delete the LaGrand Sanitary Landfill Site (the Site) from the National Priorities List (NPL) and requests public comment on this action. The NPL constitutes appendix B to the National Oil and Hazardous Substances Pollution Contingency Plan (NCP), which is 40 CFR part 300, appendix B. EPA promulgated the NCP pursuant to section 105 of the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 (CERCLA) as amended. This action is being taken by U.S. EPA, because it has been determined that all Fund-financed responses under CERCLA have been implemented and U.S. EPA, in consultation with the State of Minnesota, has determined that no further response is appropriate. Moreover, U.S. EPA and the State have determined that remedial activities conducted at the Site to date have been protective of public health, welfare, and the environment.

DATES: Comments concerning the proposed deletion of the Site from the NPL may be submitted on or before October 6, 1997.

ADDRESSES: Comments may be mailed to Gladys Beard, Associate Remedial Project Manager, Superfund Division, U.S. EPA, Region V, 77 W. Jackson Blvd. (SR–6J), Chicago, IL 60604. Comprehensive information on the site is available at U.S. EPA's Region V office and at the local information repository located at: Alexandria Public Library, Seventh and Fillmore, Alexandria, MN 56308. Requests for comprehensive copies of documents should be directed formally to the Region V Docket Office. The address and phone number for the Regional Docket Officer is Jan Pfundheller (H–7J), U.S. EPA, Region V, 77 W. Jackson Blvd., Chicago, IL 60604, (312) 353–5821.

FOR FURTHER INFORMATION CONTACT: Gladys Beard (SR–6J), Associate Remedial Project Manager, Superfund Division, U.S. EPA, Region V, 77 W. Jackson Blvd., Chicago, IL 60604, (312) 886–7253 or Denise Gawlinski (P–19J), Office of Public Affairs, U.S. EPA, Region V, 77 W. Jackson Blvd., Chicago, IL 60604, (312) 886–9859.

SUPPLEMENTARY INFORMATION:

Table of Contents

I. Introduction

The U.S. Environmental Protection Agency (EPA) Region V announces its intent to delete the LaGrand Sanitary Landfill Site from the National Priorities List (NPL), which constitutes appendix B of the National Oil and Hazardous Substances Pollution Contingency Plan (NCP), and requests comments from the public on the proposed deletion. The EPA identifies sites that appear to present a significant risk to public health, welfare or the environment, and maintains the NPL as the list of those sites. Sites on the NPL may be the subject of remedial actions financed by the Potentially Responsible Parties or the Hazardous Substance Superfund Response Trust Fund (Fund). Pursuant to § 300.425(e)(3) of the NCP, any site deleted from the NPL remains eligible for Fund-financed remedial actions if the conditions at the Site warrant such action.

The U.S. EPA will accept comments on this proposal from the public for thirty (30) days after publication of this notice in the **Federal Register**.

Section II of this notice explains the criteria for deleting sites from the NPL. Section III discusses procedures that EPA is using for this action. Section IV discusses the history of this site and explains how the Site meets the deletion criteria.

Deletion of sites from the NPL does not itself create, alter, or revoke any individual's rights or obligations. Furthermore, deletion from the NPL does not in any way alter U.S. EPA's right to take enforcement actions, as appropriate. The NPL is designed primarily for informational purposes and to assist in Agency management.

II. NPL Deletion Criteria

The NCP establishes the criteria that the Agency uses to delete Sites from the NPL. In accordance with 40 CFR 300.425(e), sites may be deleted from the NPL where no further response is appropriate. In making this

determination, U.S. EPA will consider, in consultation with the State, whether any of the following criteria have been met:

(i) Responsible parties or other persons have implemented all appropriate response actions required; or

(ii) All appropriate Fund-financed responses under CERCLA have been implemented, and no further response action by responsible parties is appropriate; or

(iii) The Remedial investigation has shown that the release poses no significant threat to public health or the environment and, therefore, remedial measures are not appropriate.

III. Deletion Procedures

Upon determination that at least one of the criteria described in § 300.425(e) has been met, U.S. EPA may formally begin deletion procedures once the State has concurred. This **Federal Register** notice, and a concurrent notice in the local newspaper in the vicinity of the Site, announce the initiation of a 30-day comment period. The public is asked to comment on U.S. EPA's intention to delete the Site from the NPL. All critical documents needed to evaluate U.S. EPA's decision are included in the information repository and the deletion docket.

Upon completion of the public comment period, if necessary, the U.S. EPA Regional Office will prepare a Responsiveness Summary to evaluate and address comments that were received. The public is welcome to contact the U.S. EPA Region V Office to obtain a copy of this responsiveness summary, if one is prepared. If U.S. EPA then determines the deletion from the NPL is appropriate, final notice of deletion will be published in the **Federal Register**.

IV. Basis for Intended Site Deletion

The LaGrand Sanitary Landfill (the Site or the Landfill) is located in a rural setting in west-central Douglas County, Minnesota, approximately 5 miles west of the town of Alexandria and approximately 3 miles south of the town of Garfield. The Site consists of 80 acres of forest, steep uncultivated hills and low lying wetlands. The main fill area occupies six acres of a small north-trending gully formed during earlier gravel mining operations. It is marked to the north, west and east by groups of large trees.

The Site is located within an area of glacial deposits know as the Alexandria Moraine Complex. This moraine complex is 10 to 20 miles wide and extends northward in an area through west-central Minnesota. The upper 100 feet of sediments beneath the Site consist of glacial drift deposits of the moraine complex. A sand and gravel water table aquifer exists under a portion of the Site, and is overlain by a silty to sandy clay till layer which was found to range in thickness from approximately 15 to 40 feet. The sand and gravel aquifer extends beneath the Landfill waste mass. At other portions of the Site, the till layer extends to a depth of at least 100 feet. The water table was found at depths ranging from approximately 20 to 70 feet below the surface of the hilly terrain at the Site.

The Site operated from March 1974, when it received a solid waste permit from the Minnesota Pollution Control Agency (MPCA) (SW–141), until April 1984, as a sanitary landfill accepting mixed municipal soil waste and nonhazardous industrial waste. In late 1982, and early 1983, groundwater sampling at the Site confirmed the presence of organic compounds. Subsequent investigations at the Site led the MPCA to evaluate whether the Site should be included on the National Priorities List (NPL) and Minnesota's Permanent list of Priorities (PLP) for Superfund sites potentially requiring clean up. The Site was proposed for the NPL June 10, 1986. The Site was added to the NPL and PLP on July 21, 1987.

A Remedial Investigation and Feasibility Study (RI/FS) was conducted at the Site to determine the nature and extent of contamination, to develop and evaluate a remedial cleanup. The RI Report concluded that:

1. Groundwater moves beneath the Site in a south-southeasterly direction.

2. Although a number of organic contaminants were measured in soil and groundwater at the Site, no organic contaminant plume was identified and none of the measured compounds exceeded current health-based standards or U. S. EPA's acceptable risk range.

3. Arsenic and manganese were found in the groundwater at concentrations exceeding Minnesota Recommended Allowable Limits (RALs) for private drinking water supplies, but not Maximum Contaminant Levels (MCLs) under the Federal Safe Drinking Water Act (SDWA). These naturally-occurring heavy metals were widespread throughout the Site and had the appearance of random background concentrations. The on-site Shop Well showed manganese levels elevated above background levels. However, these levels were not considered to be related to landfill waste disposal activities.

3. Manganese was found in surface water at concentrations that exceeded RALs in nearly all water bodies, both upgradient and downgradient of the Landfill and regardless of whether surface water drains away from or toward the water bodies. The manganese appears to be derived from natural sources in the soils, with no evidence of a source from the Landfill.

4. A chloride plume appears to be emanating from the southern end of the Landfill and migrating south-southeastward. Chloride is one of the most mobile contaminants associated with landfills. It is not a hazardous substance and occurred in concentrations well below the SDWA secondary MCL. This standard is not health-based, but determined on the basis of taste, odor, and aesthetic considerations.

5. There does not appear to be any combustible gas migration from the Landfill, except for a single monitoring point at the southwest corner, where the combustible gas reading was greater than 100% of the Lower Explosive Limit (LEL).

6. Portions of the western slope of the Landfill appear unstable and the northwest corner of the waste mass has been exposed by hillside erosion.

7. Acess to the Site by motorized vehicles via the main access road was not controlled.

8. A pile of several hundred tires is located to the south of the Landfill, off the fill area. These tires will be addressed by the MPCA's tire control program.

9. Unauthorized use and disposal of mix municipal soil waste attended to occur from time to time.

The FS Report utilized the results of the RI to develop potential cleanup alternatives designed to address the low level threats posed by the Site. The only pathways of concern identified in the human health risk assessment, which all relate to the use of groundwater downgradient from the Site, are:

1. Ingrestion of contaminated groundwater by drinking or cooking

2. Inhalation of chemicals that can volatilize into the air during showering; and

3. Dermal (skin) contact with water during showering, bathing and other related activities.

Finally, the human health risk assessment assumes a reasonable maximum exposure (RME) scenario. This means that it takes into account the highest concentration of each chemical to which adults and children are reasonably expected to be exposed during an average lifetime at the Site. At present, there is no one living on or

using the groundwater at the Site nor do residential wells downgradient of the Site show any contamination from organic compounds.

A Record of Decision (ROD) was signed September 30, 1992, which selected the following remedy:

1. Long-term monitoring of groundwater and combustible gas to verify that the low level of threat posed by the contaminants of concern remains low and the landfill does not generate potentially explosive levels of combustible gas

2. The conversion of a combustible gas monitoring well to a gas vent to assure that combustible gas does not accumulate at the single point where the soil gas level was measured at greater than 100% of the lower explosive limit (LEL)

3. The permanent sealing and abandonment of the on-site Shop Well in conformance with the Minnesota Water Well Code, Minn. Rules, Chapter 4725.2700, to assure that this well will not be used as a potable water source.

4. The stabilization of the west slope of the Landfill and the covering of exposed waste on the northwest corner to assure that the existing landfill cover, which is providing an effective barrier to infiltration, remains effective

5. The sloping and reconstruction of the borrowed pit area adjacent to the west slope of the Landfill to assure the long-term integrity of the cover system

6. Institutional controls in the form of site access restrictions, and the possible use of deed restrictions

7. Maintenance of the existing final cover system so as to reduce the future potential for infiltration into the waste mass and the subsequent leaching of landfill contaminants

8. Observance of Minnesota Environmental Response and Liability Act prohibitions against the disturbance of the Landfill final cover and monitoring systems; and

9. Observance of the Minnesota Water Well Construction Code, Minn. Rules Chapter 4725.2000, which regulates the location of future potable wells near the Landfill.

A Remedial Action report was prepared by MPCA contractors documenting that all Remedial Action have been completed at LaGrand Sanitary Landfill in Douglas County, Minnesota. The MPCA and Barr Engineering Company conducted final site inspections during the week of August 8, 1994, and determined that the contractors have constructed the final remedial action in accordance with the Remedial Design (RD).

The vegetation has become well established in both borrow areas. The site has been fully restored in accordance with the Record of Decision, and all Remedial Action Contract Documents.

In 1994, the Legislature of the State of Minnesota enacted the Landfill Cleanup Law, Minn. Laws 1994, ch. 639, codified at Minn. Stat. sections 115B.39 to 115B.46 (the Act), authorizing the Commissioner of the Minnesota Pollution Control Agency (MPCA) to assume responsibility for future environmental response actions at qualified landfills that have received notices of compliance from the Commissioner of MPCA. Additionally, the Act established funds to enable the MPCA to perform all necessary response, operation and maintenance at such landfills. At sites where no responsible parties are conducting response actions under CERCLA, MPCA is responsible for issuing a notice of compliance, after it determines that all work that could be expected under a state order or under state closure requirements has been completed.

MPCA has acquired the 80 acres site and has issued a notice of compliance. A notice of compliance was issued by MPCA for the LaGrand Sanitary Landfill Site on June 5, 1997. MPCA has since assumed all responsibility for the LaGrand Sanitary Landfill under the Act. No further response actions under CERCLA are anticipated at this time. Consequently, U.S. EPA proposes to delete the site from the NPL.

EPA, with concurrence from the State of Minnesota, has determined that all appropriate Fund-financed responses under CERCLA at the LaGrand Sanitary Landfill Site have been completed, and no further CERCLA response actions are appropriate in order to provide protection of human health and environment. Therefore, EPA proposes to delete the Site from the NPL.

Dated: August 25, 1997.

Michelle D. Jordan,

Acting Regional Administrator, U.S. EPA, Region V.

[FR Doc. 97–23356 Filed 9–4–97; 8:45 am]

BILLING CODE 6560–50–P

Notices

Federal Register

Vol. 62, No. 172

Friday, September 5, 1997

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

DEPARTMENT OF AGRICULTURE

Forest Service

Interior Columbia Basin Ecosystem Management Project, Northern, Intermountain, and Pacific Northwest Regions

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

[ID918–1610–00–UCRB]

Interior Columbia Basin Ecosystem Management Project, States of Oregon, Washington, Idaho, Montana, Wyoming, Utah, and Nevada

AGENCIES: Forest Service, USDA; Bureau of Land Management, USDI.

ACTION: Notice of extension of comment period for draft environmental impact statements (EISs).

SUMMARY: On June 12, 1997, the Forest Service and the Bureau of Land Management published a notice of availability of two draft EISs in the **Federal Register** (62 FR 32076). That notice stated that a 120-day comment period was provided for the Eastside Draft EIS and for the Upper Columbia River Basin Draft EIS. This notice is to inform interested parties that the comment period has been extended.

DATES: Comments on the two draft EISs must now be submitted or postmarked no later than February 6, 1998.

ADDRESSES: Copies of the Eastside Draft EIS may be obtained from ICBEMP, 112 E. Poplar Street, Walla Walla, WA 99362 or by calling (509) 522–4030. Copies of the Upper Columbia River Basin Draft EIS may be obtained from ICBEMP, 304 N. 8th Street, Room 250, Boise, ID 83702 or by calling (208) 334–1770, ext. 120. The Draft EISs are also available via the internet (http://www.icbemp.gov).

Comments on the Eastside draft EIS should be submitted in writing to ICBEMP, 112 East Poplar Street, P.O. Box 2076, Walla Walla, WA 99362. Comments on the Upper Columbia River Basin draft EIS should be submitted in writing to ICBEMP, 304 N. 8th Street, Room 250, Boise, ID 83702. If your comments are in regard to both draft EISs, they may be sent to either office. Comments may also be made electronically by accessing the Project home page (http://www.icbemp.gov), where a comment form is available.

FOR FURTHER INFORMATION CONTACT: EIS Team Leader Jeff Walter, 304 N. 8th Street, Room 250, Boise, ID 83702, telephone (208) 334–1770 or EIS Deputy Team Leader Cathy Humphrey, 112 East Poplar Street, P.O. Box 2076, Walla Walla, WA 99362, telephone (509) 522–4030.

SUPPLEMENTARY INFORMATION: The Bureau of Land Management's planning regulations require that a 90-day public comment period be provided for a draft plan and draft environmental impact statement (43 CFR 1610.2(e)). The Forest Service's planning regulations provide that the draft environmental impact statement be available for public comment for at least three months (36 CFR 219.10(b)). In recognition of the complexity of the draft EISs for the Interior Columbia Basin Ecosystem Management Project (ICBEMP), the Bureau of Land Management and Forest Service set a comment period of 120 days—30 days longer than required.

During the first two months of the comment period, we received several requests for extension of the 120-day comment period. The requestors cite the length and complexity of the two draft EISs and point out that many who have particular interest in the management of the public lands have little time to spare during the summer and early fall months, since these are critical periods for making a living and recreating. They also point out that the science information was not all published by the time the draft EISs were made available. It has been suggested that the comment period be extended for as little as two months and as much as one year.

Managers of the ICBEMP sincerely want to provide adequate opportunity for the public to read, comprehend, and comment on one or both of the two draft EISs so that the EIS team can include needed changes in the final EIS. The extension granted carries the comment period past the critical work and recreation months of summer and early fall. A much longer extension would result in higher costs of the Project without commensurate increase in the opportunity for meaningful public participation.

We find that a four-month extension to February 6, 1998, balances the desire expressed by interested and affected members of the public to comment meaningfully, and the desire of the agencies reasonably to expedite the process to conclusion.

Dated: August 28, 1997.

Martha Hahn,

State Director, Bureau of Land Management.

Dated: August 28, 1997.

Robert W. Williams,

Regional Forester, U.S. Forest Service.

[FR Doc. 97–23574 Filed 9–4–97; 8:45 am]

BILLING CODE 4310–11–M

DEPARTMENT OF AGRICULTURE

Forest Service

USDA-Forest Service/Crown Pacific Limited Partnership Land Exchange, Deschutes, Fremont and Winema National Forests, Deschutes, Jefferson, Klamath and Lake Counties, OR

AGENCY: Forest Service, USDA.

ACTION: Notice of intent to prepare an environmental impact statement.

SUMMARY: The USDA Forest Service will prepare an environmental impact statement (EIS) on a proposal to exchange lands in Central and Southern Oregon. The exchange would result in the transfer of approximately 33,000 acres of National Forest System (NFS) lands for approximately 38,800 acres of Crown Pacific lands in Deschutes, Jefferson, Klamath and Lake Counties in the State of Oregon. Transfer of these lands will result in consolidation of NFS land ownership.

The EIS will be consistent with the Deschutes, Fremont and Winema National Forests Land and Resource Management Plans (LRMPs) (as amended), which provide overall guidance of all land management activities on the Deschutes, Fremont and Winema National Forests.

The Forest Service invites written comments and suggestions on the issues and management opportunities for the area being analyzed.

ADDRESSES: Send written comments to Sally Collins, Forest Supervisor, Deschutes National Forest, 1645 Highway 20 East, Bend, Oregon 97701.

FOR FURTHER INFORMATION CONTACT: Paul Claeyssens, Project Coordinator, 1645 Highway 20 East, Bend, Oregon 97701, phone 541–383–5540.

SUPPLEMENTARY INFORMATION: The Forest Service is initiating this action in response to a request by Crown Pacific to exchange lands that will provide public benefits while improving management opportunities. Consolidation will enable the Forest Service to implement more effective ecosystem-based management; better protect wetlands and riparian areas; and decrease the potential of urban development of private inholdings within NFS boundaries. Lands acquired in the exchange by the Forest Service will be managed in accord with the LRMPs.

The proposed action will exchange lands that are loosely clustered into three groups. The first, northernmost group, is located a short distance west and northwest of Bend, within the Bull Creek drainage near the Upper Deschutes River. The second and largest group is located southwest of Bend. This group is roughly U-shaped, begins west of La Pine, extends southward through Gilchrist/Crescent along the Little Deschutes River, and circles east across Highway 31, then north. The third group is largely on the Fremont National Forest in Klamath and Lake Counties and lies south of Highway 31.

An initial scoping letter was mailed on April 22, 1996. Four public involvement meetings were held between August and October 1996. These meetings were held in Bend, La Pine, Gilchrist/Crescent, and Fort Rock. Additional public meetings are contemplated. Based on analysis completed to date, it was determined that an EIS is needed. Information and data previously gathered will be carried forward in this EIS.

Issues that have been identified to date include: old growth allocations, late and old structural stands, mule deer winter range, sensitive plant species, and cultural resources.

At this time, alternatives being considered include: no action and exchanging lands as identified in the proposed action. The EIS will analyze the direct, indirect, and cumulative environmental effects of the alternatives. Past, present, and projected activities on both private and NFS lands will be considered. The EIS will disclose the analysis of site-specific mitigation.

Public participation is important. Comments from the public will continue to be used to:

—Identify, confirm or redefine potential issues.
—Identify, confirm or redefine major issues to be analyzed in depth.
—Eliminate minor issues or those which have been covered by a previous environmental analysis, such as the Deschutes, Fremont and Winema LRMPs.
—Identify alternatives to the proposed action.
—Identify, confirm or redefine potential environmental effects of the proposed action and alternatives (i.e. direct, indirect, and cumulative effects).
—Determine potential cooperating agencies and task assignments.

The draft EIS is expected to be filed with the Environmental Protection Agency (EPA) and available for public review in November 1997. The comment period on the draft EIS will be 45 days from the date the EPA publishes the notice of availability in the **Federal Register**. At that time, copies of the draft EIS will be distributed to interested and affected agencies, organizations, tribes, and members of the public for their review and comment.

It is important that those interested in the management of the Deschutes, Fremont and Winema National Forests participate at that time. The Forest Service believes it is important to give reviewers notice at this stage of several court rulings related to public participation in the environmental review process. First, reviewers of draft EISs must structure their participation in the environmental review of the proposal so that it is meaningful and alerts an agency to the reviewer's position and contentions (*Vermont Yankee Nuclear Power Corp.* v. *NRDC,* 435 U.S. 519, 553 (1978)). Also, environmental objections that could be raised at the draft EIS stage but that are not raised until after completion of the final EIS may be waived or dismissed by the courts (*City of Angoon* v. *Hodel,* 803 F.2d 1016, 1022 (9th Cir. 1986) and *Wisconsin Heritages, Inc.* v. *Harris,* 490 F. Supp. 1334, 1338 (E.D. Wis. 1980)). Because of these court rulings, it is very important that those interested in this proposed action participate by the close of the 45-day comment period so that substantive comments and objections are made available to the Forest Service at a time when it can meaningfully consider them and respond to them in the final EIS.

To assist the Forest Service in identifying and considering these issues and concerns on the proposed action, comments on the draft EIS should be as specific as possible. It is also helpful if comments refer to specific pages or chapters of the draft statement. Comments may also address the adequacy of the draft EIS or the merits of the alternatives formulated and discussed in the statement. (Reviewers may wish to refer to the Council on Environmental Quality regulations for implementing the procedural provisions of the National Environmental Policy Act at 40 CFR 1503.3 in addressing these points.)

The final EIS is scheduled to be completed in February 1998. In the final EIS, the Forest Service is required to respond to comments and responses received during the comment period that pertain to the environmental consequences discussed in the draft EIS and applicable laws, regulations, and policies considered in making the decision regarding this proposal.

Sally Collins, Forest Supervisor, Deschutes National Forest, Charles Graham, Forest Supervisor, Fremont National Forest, and Bob Castaneda, Forest Supervisor, Winema National Forest, are the responsible officials. As the responsible officials, they will document the Forest Service/Crown Pacific Land Exchange decision and the reasons for the decision in the Record of Decision. That decision will be subject to Forest Service appeal regulations at 36 CFR Part 215.

Dated: August 21, 1997.

Sally Collins,

Forest Supervisor, Deschutes National Forest.

Dated: August 22, 1997.

Charles Graham,

Forest Supervisor, Fremont National Forest.

Dated: August 26, 1997.

Bob Castaneda,

Forest Supervisor, Winema National Forest.

[FR Doc. 97–23582 Filed 9–4–97; 8:45 am]

BILLING CODE 3410–11–M

DEPARTMENT OF AGRICULTURE

Forest Service

Beaver Creek Salvage Timber Sale and Other Restoration Projects, Wallowa-Whitman National Forest, Union County, OR

AGENCY: Forest Service, USDA.

ACTION: Revised notice of intent to prepare an environmental impact statement.

SUMMARY: On December 30, 1996, a notice of intent to prepare an environmental impact statement (EIS) for the Beaver Creek Salvage Timber

Sale was published in the **Federal Register** (61 FR 68704). This notice announces the new dates for release of draft and final EIS and the change in EIS title. The draft EIS is now expected to be completed February, 1998 and the final EIS to be published in December, 1998. The title of the EIS will be ''Beaver Creek Fuels Reduction and Watershed Restoration Project.'' This new title more accurately reflects the purpose and need for this project and the activities being proposed to accomplish them.

FOR FURTHER INFORMATION CONTACT: Cindy Whitlock, Project Coordinator, 3502 Highway 30, La Grande, Oregon 97850, phone (541) 962–8501.

Dated: August 25, 1997.

Karyn L. Wood,

Forest Supervisor.

[FR Doc. 97–23581 Filed 9–4–97; 8:45 am]

BILLING CODE 3410–11–M

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: October 6, 1997.

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 7 and 18, 1997, the Committee for Purchase From People Who Are Blind or Severely Disabled published notices (62 F.R. 36256 and 38518) 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 and impact of the additions on the current or most recent contractors, the Committee has determined that the commodities and services listed below are suitable for procurement by the Federal Government under 41 U.S.C. 46–48c and 41 CFR 51–2.4.

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

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

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

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

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

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

Commodities

Towel, Paper
8540–01–359–0798
8540–01–055–6134

Services

Grounds Maintenance, U.S. Department of Energy, Western Area Power Administration, 615 S. 43rd Avenue, Phoenix, Arizona

Janitorial/Custodial

U.S. Department of Energy, Western Area Power Administration, 615 S. 43rd Avenue, Phoenix, Arizona

This action does not affect current contracts awarded prior to the effective date of this addition or options that may be exercised under those contracts.

Beverly L. Milkman,

Executive Director.

[FR Doc. 97–23608 Filed 9–4–97; 8:45 am]

BILLING CODE 6353–01–P

COMMITTEE FOR PURCHASE FROM PEOPLE WHO ARE BLIND OR SEVERELY DISABLED

Procurement List; Proposed Additions and Deletion

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

ACTION: Proposed additions to and deletion 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 a commodity previously furnished by such agencies.

COMMENTS MUST BE RECEIVED ON OR BEFORE: October 6, 1997.

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:

Janitorial/Custodial

Calexico Border Patrol Station, Calexico, California
NPA: Imperial County Work Training Center, Inc. El Centro, California

Mailroom Operation

National Oceanic and Atmospheric Administration, Western Regional Center & Pacific Marine Center Seattle, Washington

NPA: *Seattle Mental Health Institute, Inc. Seattle, Washington*

Deletion

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

1. The action will not result in any additional reporting, recordkeeping or other compliance requirements for small entities.

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

3. The action will result in authorizing small entities to furnish the commodity 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 commodity proposed for deletion from the Procurement List.

The following commodity has been proposed for deletion from the Procurement List:

Smithsonian Institution Women's Council Newsletter
7690–00–NSH–0037

Beverly L. Milkman,

Executive Director.

[FR Doc. 97–23609 Filed 9–4–97; 8:45 am]

BILLING CODE 6353–01–P

COMMISSION ON CIVIL RIGHTS

Agenda and Notice of Public Meeting of the Connecticut Advisory Committee

Notice is hereby given, pursuant to the provisions of the rules and regulations of the U.S. Commission on Civil Rights, that a meeting of the Connecticut Advisory Committee will convene at 1:00 p.m. and adjourn at 5:00 p.m. on Wednesday, September 24, 1997, at Naugatuck Valley Community-Technical College, the Student Center (5th floor), 750 Chase Parkway, Waterbury, CT 06708. The purpose of the meeting is to plan for the 1997 civil rights conference.

Persons desiring additional information, or planning a presentation to the Committee, should contact Committee Chairperson Neil Macy, 860–242–7287, or Ki-Taek Chun, Director of the Eastern Regional Office, 202–376–7533 (TDD 202–376–8116). Hearing-impaired persons who will attend the meeting and require the services of a sign language interpreter should contact the Regional Office at least five (5) working days before the scheduled date of the meeting.

The meeting will be conducted pursuant to the provisions of the rules and regulations of the Commission.

Dated at Washington, DC, August 28, 1997.

Carol-Lee Hurley,

Chief, Regional Programs Coordination Unit.

[FR Doc. 97–23534 Filed 9–4–97; 8:45 am]

BILLING CODE 6335–01–P

COMMISSION ON CIVIL RIGHTS

Agenda and Notice of Public Meeting of the District of Columbia Advisory Commmittee

Notice is hereby given, pursuant to the provisions of the rules and regulations of the U.S. Commission on Civil Rights, that a meeting of the District of Columbia Advisory Committee will convene at 9:00 a.m. and adjourn at 12:00 p.m. on Tuesday, September 30, 1997, at JC Penney, Government Relations Office, Board Room, Suite 1015, 1156 Fifteenth St., NW, Washington, DC 20036. The Advisory Committee will receive updates from its subcommittees and continue planning its next project for fiscal year 1998.

Persons desiring additional information, or planning a presentation to the Committee, should contact Committee Chairperson Steven Sims, 202–862–4815, or Ki-Taek Chun, Director of the Eastern Regional Office, 202–376–7533 (TDD 202–376–8116). Hearing-impaired persons who will attend the meeting and require the services of a sign language interpreter should contact the Regional Office at least five (5) working days before the scheduled date of the meeting.

The meeting will be conducted pursuant to the provisions of the rules and regulations of the Commission.

Dated at Washington, DC, August 28, 1997.

Carol-Lee Hurley,

Chief, Regional Programs Coordination Unit.

[FR Doc. 97–23533 Filed 9–4–97; 8:45 am]

BILLING CODE 6335–01–P

COMMISSION ON CIVIL RIGHTS

Agenda and Notice of Public Meeting of the Maryland Advisory Committee

Notice is hereby given, pursuant to the provisions of the rules and regulations of the U.S. Commission on Civil Rights, that a meeting of the Maryland Advisory Committee will convene at 10:00 a.m. and adjourn at 4:00 p.m. on Monday, September 29, 1997, at Western Maryland College, Trustees Board Room, 2 College Hill, Westminster, MD 21157–4390. The purpose of the meeting is to review and act on a project proposal on administration of justice and municipal service issues affecting Korean Americans and African Americans in Baltimore, Maryland.

Persons desiring additional information, or planning a presentation to the Committee, should contact Committee Chairperson Chester Wickwire, 410–825–8949, or Ki-Taek Chun, Director of the Eastern Regional Office, 202–376–7533 (TDD 202–376–8116). Hearing-impaired persons who will attend the meeting and require the services of a sign language interpreter should contact the Regional Office at least five (5) working days before the scheduled date of the meeting.

The meeting will be conducted pursuant to the provisions of the rules and regulations of the Commission.

Dated at Washington, DC, August 28, 1997.

Carol-Lee Hurley,

Chief, Regional Programs Coordination Unit.

[FR Doc. 97–23531 Filed 9–4–97; 8:45 am]

BILLING CODE 6335–01–P

COMMISSION ON CIVIL RIGHTS

Agenda and Notice of Public Meeting of the Massachusetts Advisory Committee

Notice is hereby given, pursuant to the provisions of the rules and regulations of the U.S. Commission on Civil Rights, that a meeting of the Massachusetts Advisory Committee will convene at 10:00 a.m. and adjourn at 3:00 p.m. on Friday, September 26, 1997, at the Saltonstall Building, Room 906, 100 Cambridge St., Boston, MA 02202. The purpose of the meeting is to discuss followup activities to the Springfield briefing and to plan for the statewide civil rights conference.

Persons desiring additional information, or planning a presentation to the Committee, should contact Committee Chairperson Fletcher A. Blanchard, 413–585–3909, or Ki-Taek Chun, Director of the Eastern Regional Office, 202–376–7533 (TDD 202–376–8116). Hearing-impaired persons who will attend the meeting and require the services of a sign language interpreter should contact the Regional Office at least five (5) working days before the scheduled date of the meeting.

The meeting will be conducted pursuant to the provisions of the rules and regulations of the Commission.

Dated at Washington, DC, August 28, 1997.

Carol-Lee Hurley,

Chief, Regional Programs Coordination Unit.

[FR Doc. 97–23532 Filed 9–4–97; 8:45 am]

BILLING CODE 6335–01–P

COMMISSION ON CIVIL RIGHTS

Agenda and Notice of Public Meeting of the Pennsylvania Advisory Committee

Notice is hereby given, pursuant to the provisions of the rules and regulations of the U.S. Commission on Civil Rights, that a meeting of the Pennsylvania Advisory Committee will convene at 11:00 a.m. and adjourn at 4:00 p.m. on Monday, September 29, 1997, at the U.S. Customs House, Conference Room, 3rd Floor, 2nd and Chestnut Streets, Philadelphia, PA 19106. The purpose of the meeting is to plan the Committee's project activity on affirmative action for fiscal year 1998. The Committee anticipates inviting speakers to inform them on women and minority contracting issues.

Persons desiring additional information, or planning a presentation to the Committee, should contact Committee Chairperson Joseph Fisher, 215–351–0750, ext. 402, or Ki-Taek Chun, Director of the Eastern Regional Office, 202–376–7533 (TDD 202–376–8116). Hearing-impaired persons who will attend the meeting and require the services of a sign language interpreter should contact the Regional Office at least five (5) working days before the scheduled date of the meeting.

The meeting will be conducted pursuant to the provisions of the rules and regulations of the Commission.

Dated at Washington, DC, August 28, 1997.

Carol-Lee Hurley,

Chief, Regional Programs Coordination Unit.

[FR Doc. 97–23535 Filed 9–4–97; 8:45 am]

BILLING CODE 6335–01–P

DEPARTMENT OF COMMERCE

Economics and Statistics Administration

Performance Review Board Membership

Below is a listing of individuals who are eligible to serve on the Performance Review Board in accordance with the Economics and Statistics Administration Senior Executive Service (SES) Performance Appraisal System:

Cynthia Z.F. Clark
Nancy M. Gordon
Karen Gregory
Bradford Huther
Frederick T. Knickerbocker
Hugh W. Knox
John S. Landefeld
Paul A. London
Robert W. Marx
Gerald A. Pollack
Nancy A. Potok
James Price
Marvin D. Raines
Martha Farnsworth Riche
Paula J. Schneider
John Thompson
Katherine K. Wallman
James K. White

John S. Gray, III,

Acting Executive Director, Performance Review Board.

[FR Doc. 97–22929 Filed 9–4–97; 8:45 am]

BILLING CODE 3510–EA–M

DEPARTMENT OF COMMERCE

International Trade Administration

[A–570–827]

Notice of Preliminary Results and Partial Rescission of Antidumping Duty Administrative Review: Certain Cased Pencils From the People's Republic of China

AGENCY: Import Administration, International Trade Administration, Commerce.

SUMMARY: On December 31, 1996, the Department of Commerce (the Department) published a notice of initiation of an administrative review of the antidumping duty order on certain cased pencils from the People's Republic of China (PRC) covering the period of review of December 1, 1995 through November 30, 1996.

The Department is now rescinding this review in part with respect to respondents who had no shipments of the subject merchandise during the period of review (POR) including Guangdong Provincial Stationery & Sporting Goods Import and Export Corporation (Guangdong), and China First Pencil Company, Ltd. (China First). We are basing our preliminary results on ''facts available'' (FA) for those companies that did not respond to our questionnaire.

EFFECTIVE DATE: September 5, 1997.

FOR FURTHER INFORMATION CONTACT: Jack Dulberger or Irene Darzenta, Antidumping/Countervailing Duty Enforcement Group II, Office Four, Import Administration, U.S. Department of Commerce, 14th Street and Constitution Avenue, N.W., Washington, D.C. 20230, telephone (202) 482–5505 and 482–6320, respectively.

The Applicable Statute: Unless otherwise indicated, all citations to the Tariff Act of 1930, as amended (the Act), are references to the provisions effective January 1, 1995, the effective date of the amendments made to the Act by the Uruguay Round Agreements Act (URAA). In addition, unless otherwise indicated, all citations to the Department's regulations are to the regulations set forth at 19 CFR part 353 (April 1997).

SUPPLEMENTARY INFORMATION:

Period of Review

The period of review (POR) is December 1, 1995 through November 30, 1996.

Scope of the Review

The products covered by this review are certain cased pencils of any shape or dimension which are writing and/or drawing instruments that feature cores of graphite or other materials encased in wood and/or man-made materials, whether or not tipped (*e.g.,* with erasers, etc.) in any fashion, and either sharpened or unsharpened. The pencils subject to this review are classified under subheading 9609.10.00 of the Harmonized Tariff Schedule of the United States (''HTSUS''). Specifically excluded from the scope of this review are mechanical pencils, cosmetic pencils, pens, non-case crayons (wax), pastels, charcoals, and chalks. Although the HTSUS subheading is provided for convenience and customs purposes, our written description of the scope of the review is dispositive.

Background

On December 28, 1994, we published an antidumping duty order (59 FR 66909) which stated that imports of the two producer/exporter combinations identified in the LTFV investigation had margins of zero. We stated in the antidumping duty order that we would exclude from the order imports of subject merchandise that are sold by ''either China First or Guangdong and manufactured by the producers whose factors formed the basis for the zero margin'' (59 FR at 66910). Those exporter/producer combinations were subsequently identified in the order as China First/China First and Guangdong/Shanghai Three Star Stationery Industry Corporation (Three Star).

In response to our notice of opportunity to request administrative

review for this second POR, the petitioner, the Writing Instrument Manufacturers Association, Pencil Section (WIMA), requested, by letter dated December 31, 1996, that the Department conduct an administrative review of China First, Guangdong, and Three Star ''to determine whether merchandise purportedly produced and exported by the excluded combinations * * * was, in fact, produced or exported by a combination of companies that are subject to the order.'' (*See* Letter from WIMA to the Department, December 31, 1996 (WIMA Request Letter) at 2).

On January 17, 1997, the Department published a notice of initiation of an administrative review of China First, Guangdong, Three Star, and approximately 93 other potential producers/exporters named by the petitioner in its review request covering the POR (62 FR 2647, January 17, 1997; as amended by 62 FR 12793, March 18, 1997). On February 27, 1997, we sent a questionnaire to the companies for which the petitioner requested a review, including China First, Guangdong, and Three Star, specifically stating that pencils produced and exported by the excluded company combinations are not subject merchandise.

On March 13, 1997, China First and Guangdong requested that the Department terminate its review of these companies, arguing that they were excluded from the antidumping duty order. (*See* Letter from China First to the Department (March 13, 1997); *see also* Letter from Guangdong to the Department (March 13, 1997)). On March 26, 1997, the petitioner opposed respondents' request, arguing, first, that the two excluded exporters, China First and Guangdong, are only excluded from the antidumping order to the extent that they export merchandise produced by the companies whose factors formed the basis in the order for the zero margin (here, China First and Three Star, respectively) (*see* Letter from WIMA to the Department, March 26, 1997 at 2) and, secondly, that the Department had considered and rejected respondents' same arguments in the prior administrative review. (*Id.*) Respondents, on March 31, 1997, repeated their previous requests that the Department rescind the review. (*See* Letter China First to the Department (March 31, 1997); *see also* Letter from Guangdong to the Department (March 31, 1997)). At the same time, they responded to the Department's February 27, 1997 questionnaire by stating that they had ''sold no subject merchandise to the United States'' during the POR. (*Id.* at 2). After due consideration, we decided that it was appropriate to continue our review of China First and Guangdong, concerning producers other than those specified in the order as excluded exporter/producer combinations, and denied their request to terminate this review with respect to these companies in their entirety. (For a complete discussion of the Department's decision, *see* Decision Memorandum on Request for Termination from Case Analyst to Holly Kuga, August 12, 1997).

Rescission

Subsequent to our decision not to terminate this review with respect to China First and Guangdong, we determined that during the POR, China First did not export pencils to the United States that were manufactured by producers other than China First, and that Guangdong did not export pencils to the United States that were manufactured by producers other than Three Star. In order to make our determination, we contacted the U.S. Customs Service (Customs) by electronic mail on July 16, 1997. We later received a letter from Customs, on which we based our determination, confirming that no subject merchandise manufactured by producers other than China First or Three Star was shipped by the exporters China First and Guangdong, respectively, to the United States during the POR. (*See* Letter from Joan E. Sebenaler, Customs, to Tom Futtner, the Department (August 19, 1997) (Sebenaler Letter); *see also* Decision Memorandum on China First and Guangdong from Case Analyst to Holly Kuga, August 19, 1997.) Therefore, we rescind this review with respect to China First and Guangdong. *See* 19 CFR 351.213(d)(3), 62 FR 27296 (May 19, 1997) (this citation to the new regulations, although not governing this review, is provided to explain the Department's current practice).

In addition, Ideal Consolidators, Ltd. and Ideal Ocean Lines, (together, Ideal), identified themselves as freight forwarders and reported that they did not manufacture or make shipments of subject merchandise during the POR. As above, we contacted Customs by electronic mail and received written confirmation from Customs that Ideal made no shipments of subject merchandise during the POR. (*See* Sebenaler Letter; *see also* Decision Memorandum on Ideal Consolidators, Ltd. and Ideal Ocean Lines from Case Analyst to Holly Kuga, August 19, 1997). Therefore, we also rescind this review with respect to Ideal.

Facts Available

Section 776(a)(1) of the Act mandates that the Department use facts available (FA) if necessary information is not available on the record of an antidumping proceeding. In addition, section 776(a)(2) of the Act mandates that the Department use FA where an interested party or any other person: (A) Withholds information requested by the Department; (B) fails to provide requested information by the requested date or in the form and manner requested; (C) significantly impedes an antidumping proceeding; or (D) provides information that cannot be verified. In this case, all of the named respondents, other than those identified above, failed to respond to the Department's questionnaire. Where the Department must base the entire dumping margin for a respondent in an administrative review on FA because that respondent failed to cooperate, section 776(b) authorizes the Department to use an inference adverse to the interests of that respondent in choosing FA. Section 776(b) also authorizes the Department to use as adverse FA information derived from the petition, the final determination in the investigation, a previous administrative review, or other information placed on the record.

Information from prior proceedings constitutes secondary information. Section 776(c) of the Act provides that the Department shall, to the extent practicable, corroborate secondary information from independent sources reasonably at its disposal. The Statement of Administrative Action (SAA) (H. Doc. 316, 103d Cong., 2nd Sess. 870) provides that ''corroborate'' means that the Department will satisfy itself that the secondary information to be used has probative value. The SAA, at page 870, clarifies that the petition is ''secondary information.''

For the preliminary results of this review, we determine it appropriate to use, as adverse FA, the petition rate (which was the basis for the PRC-wide rate in the LTFV investigation), as amended by our August 1995 remand, of 53.65 percent. This is consistent with our decision in the amended final results of the first administrative review of the order on certain cased pencils from the PRC. *See Certain Cased Pencils From the People's Republic of China; Amended Final Results of Antidumping Duty Administrative Review*, 62 FR 36491 (July 8, 1997) (*Amended Final*). Further, we determined this rate to be corroborated based on our analysis in the previous segment of the proceeding (*Amended Final*, 62 FR at 36492). There

is no new information in the record of the instant proceeding to lead us to re-examine this issue.

As noted above, not all exporters of certain cased pencils from the PRC responded to our questionnaire. Accordingly, we are applying a single dumping rate—the PRC-wide rate established in the *Amended Final*—to all exporters in the PRC (other than China First and Guangdong, as discussed above, and Shanghai Foreign Trade Corporation (SFTC), an exporter which was previously determined to be entitled to a separate rate but for which the petitioner did not request an administrative review), based on our presumption that those respondents who failed to respond and all other exporters who have not qualified for a separate rate constitute a single enterprise, and are under common control by the PRC government. (*See, e.g., Final Determination of Sales at Less Than Fair Value; Persulfates from the People's Republic of China,* 61 FR 68232, 68234 (December 27, 1996)). The weighted-average dumping margin is as follows:

Manufacturer/producer/exporter	Weighted-average margin percentage
PRC-wide Rate	53.65

Parties to this proceeding may request disclosure within 5 days of the date of publication of this notice. Any interested party may request a hearing within 10 days of publication. Any hearing, if requested, will be held 44 days after the publication of this notice, or the first workday thereafter. Interested parties may submit case briefs within 30 days of the date of publication of this notice. Rebuttal briefs, which must be limited to issues raised in the case briefs, may be filed not later than 37 days after the date of publication. *See* section 353.38 of the Department's regulations. The Department will publish a notice of final results of this administrative review, which will include the results of its analysis of issues raised in any such comments not later than 120 days after the date of publication of these preliminary results.

The Department shall determine, and Customs shall assess, antidumping duties on all appropriate entries. We intend to issue assessment instructions to Customs for the exporters subject to this review based on the dumping rate stated above. The Department will issue appraisement instructions directly to Customs.

Further, the following deposit requirements will be effective upon publication of the final results of this administrative review for all shipments of certain cased pencils from the PRC entered, or withdrawn from warehouse, for consumption on or after the publication date, as provided for by section 751(a)(1) of the Act: (1) The cash deposit rate for all Chinese exporters, except for China First (with respect to exports of merchandise produced by China First), Guangdong (with respect to exports of merchandise produced by Three Star), and SFTC, will be the rate established in the final results of this review; and (2) for non-PRC exporters of subject merchandise from the PRC, the cash deposit rate will be the rate of their suppliers (*i.e.*, the PRC-wide rate). These deposit requirements, when imposed, shall remain in effect until publication of the final results of the next administrative review.

This notice serves as a preliminary reminder to importers of their responsibility under section 353.26 of the Department's regulations to file a certificate regarding the reimbursement of antidumping duties prior to liquidation of the relevant entries during this POR. Failure to comply with this requirement could result in the Secretary's presumption that reimbursement of antidumping duties occured and the subsequent assessment of double antidumping duties.

This administrative review and notice are in accordance with section 751(a)(1) of the Act (19 U.S.C. section 1675(a)(1)), section 777(i) of the Act (19 U.S.C. section 1677f(i)), and 19 CFR 353.22.

Dated: August 27, 1997.

Robert S. LaRussa,

Assistant Secretary for Import Administration.

[FR Doc. 97–23606 Filed 9–4–97; 8:45 am]

BILLING CODE 3510–DS–M

DEPARTMENT OF COMMERCE

International Trade Administration

[A–401–805]

Certain Cut-to-Length Carbon Steel Plate From Sweden: Final Results of Antidumping Duty Administrative Review

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

ACTION: Notice of final results of antidumping duty administrative review.

SUMMARY: On May 14, 1997, the Department of Commerce (the Department) published the preliminary results of its administrative review of the antidumping duty order on certain cut-to-length carbon steel plate from Sweden. This review covers one manufacturer/exporter, SSAB Svenskt Stal AB (SSAB), of the subject merchandise for the period August 1, 1995 through July 31, 1996. We gave interested parties an opportunity to comment on our preliminary results. We received no comments and have not changed the results from those presented in the preliminary results of review.

EFFECTIVE DATE: September 5, 1997.

FOR FURTHER INFORMATION CONTACT: Carrie Blozy, Doreen Chen, or Stephen Jacques, Import Administration, International Trade Administration, U.S. Department of Commerce, 14th Street and Constitution Avenue, N.W., Washington, D.C. 20230; telephone: (202) 482–1391, (202) 482–0162, and (202) 482–3434, respectively.

The Applicable Statute and Regulations: Unless otherwise indicated, all citations to the Tariff Act of 1930, as amended (the Tariff Act), are to the provisions effective January 1, 1995, the effective date of the amendments made to the Tariff Act by the Uruguay Round Agreements Act (URAA). In addition, unless otherwise indicated, all citations to the Department's regulations are to the regulations at 19 CFR 353 (1996).

SUPPLEMENTARY INFORMATION:

Background

On May 14, 1997, the Department published in the **Federal Register** (62 FR 26473) the preliminary results of its administrative review of the antidumping duty order on certain cut-to-length carbon steel plate from Sweden (58 FR 44162). For the preliminary results, we were unable to calculate a margin based on SSAB's response and therefore determined its dumping margin entirely on the basis of facts available. This facts available determination relied upon adverse inferences, as the Department determined that SSAB had not cooperated by acting to the best of its ability in responding to requests for information. We gave interested parties an opportunity to comment on our preliminary results. We received no comments. We have now completed the administrative review in accordance with section 751(a) of the Tariff Act of 1930, as amended (the Act).

Scope of Review

Certain cut-to-length plate includes hot-rolled carbon steel universal mill plates (i.e., flat-rolled products rolled on four faces or in a closed box pass, of a width exceeding 150 millimeters but not

exceeding 1,250 millimeters and of a thickness of not less than 4 millimeters, not in coils and without patterns in relief), of rectangular shape, neither clad, plated nor coated with metal, whether or not painted, varnished, or coated with plastics or other nonmetallic substances; and certain hot-rolled carbon steel flat-rolled products in straight lengths, of rectangular shape, hot rolled, neither clad, plated, nor coated with metal, whether or not painted, varnished, or coated with plastics or other nonmetallic substances, 4.75 millimeters or more in thickness and of a width which exceeds 150 millimeters and measures at least twice the thickness, as currently classifiable in the HTS under item numbers 7208.40.3030, 7208.40.3060, 7208.51.0030, 7208.51.0045, 7208.51.0060, 7208.52.0000, 7208.53.0000, 7208.90.0000, 7210.70.3000, 7210.90.9000, 7211.13.0000, 7211.14.0030, 7211.14.0045, 7211.90.0000, 7212.40.1000, 7212.40.5000, 7212.50.0000. Included are flat-rolled products of non-rectangular cross-section where such cross-section is achieved subsequent to the rolling process (i.e., products which have been worked after rolling)—for example, products which have been beveled or rounded at the edges. Excluded is grade X–70 plate. These HTS item numbers are provided for convenience and Customs purposes. The written description remains dispositive.

The period of review (POR) is August 1, 1995, through July 31, 1996.

Use of Facts Available

Following the initiation of this review, on September 17, 1996, the Department sent respondent a questionnaire seeking information necessary to conduct a review of any shipments that firm may have made to the United States during the POR. On October 21, 1996, the due date for section A of the Department's questionnaire, SSAB made a timely withdrawal of its request for a review of this POR. However, because petitioners had also requested an administrative review, the review was not terminated. Additionally, SSAB stated it would not be participating in the review and requested assignment, as facts available, of the first administrative review margin, 8.28 percent. Thus, SSAB refused to respond to all sections of the questionnaire.

On January 8, 1997, petitioners requested that the Department assign to SSAB as facts available, 34 percent, the highest rate from the antidumping petition.

SSAB made no attempt in this review to contact the Department to discuss how it should proceed, nor did it respond to any section of the questionnaire. Thus, the Department has found that, in not responding to the questionnaire, SSAB failed to cooperate by not acting to the best of its ability to comply with requests for information from the Department. Therefore, pursuant to section 776(b) of the Act, we may, in making our determination, use an adverse inference in selecting from the facts otherwise available.

This adverse inference may include reliance on data derived from the petition, a previous determination in an investigation or review, or any other information placed on the record. In the previous segment of the proceeding, the Department chose an adverse facts available rate of 24.23%; this represented the average rate based on corroborated petition data. In this segment of the proceeding, we have chosen as adverse facts available the highest rate based on corroborated petition data, i.e., 34%. Our decision to use a rate higher than the average petition rate is consistent with our decision in the preceding administrative review because, in that review, ''while SSAB did not act to the best of its ability in responding to our cost information requests, it did cooperate with respect to certain aspects of this review.'' *See Certain Cut-to-Length Carbon Steel Plate from Sweden, Preliminary Results of Antidumping Duty Administrative Review*, 61 FR 51898, 51900 (October 4, 1996); *see* also, *Certain Cut-to-Length Carbon Steel Plate from Sweden, Final Results of Antidumping Duty Administrative Review*, 62 FR 18396, 18401 (April 15, 1997). In this case, SSAB, in contrast to its level of cooperation in the previous segment of the proceeding, has not cooperated at all with our requests for information.

Section 776(b) authorizes the Department to use as adverse facts available information derived from the petition, the final determination, a previous administrative review, or other information placed on the record. Section 776(c) provides that the Department shall, to the extent practicable, corroborate ''secondary information'' by reviewing independent sources reasonably at its disposal. The SAA, at 870, makes it clear that ''secondary information'' includes information from the petition in the LTFV investigation and information from a previous section 751 review of the subject merchandise. The SAA also provides that ''corroborate'' means simply that the Department will satisfy itself that the secondary information to be used has probative value. *Id.*

The Department used an average of the petition rates as total adverse facts available in the previous segment of this proceeding. The Department explained in that review that it had corroborated the petition information. *Id.* For the purposes of the final results, we continue to regard the petition information as corroborated.

Duty Absorption

Because we received no comments on duty absorption, we uphold the preliminary results on this issue. We find duty absorption on all sales.

Final Results of Review

As a result of our review, we determine the dumping margin (in percent) for the period August 1, 1995, through July 31, 1996 to be as follows:

Manufacturer/exporter	Margin (percent)
SSAB	34.00

The Department shall determine, and the U.S. Customs Service shall assess, antidumping duties on all appropriate entries. The Department will issue appraisement instructions directly to the Customs Service.

Furthermore, the following deposit requirements will be effective upon publication of these final results for all shipments of the subject merchandise entered, or withdrawn from warehouse, for consumption on or after the publication date as provided by section 751(a)(1) of the Act: (1) The cash deposit rate for SSAB will be the rate stated above; (2) for merchandise exported by manufacturers or exporters not covered in this review but covered in the original LTFV investigation or previous review, the cash deposit will continue to be the most recent rate published in the final determination or final results for which the manufacturer or exporter received a company-specific rate; (3) if the exporter is not a firm covered in this review, or the original investigation, but the manufacturer *is*, the cash deposit rate will be that established for the manufacturer of the merchandise in these final results of review or the LTFV investigation; and (4) if neither the exporter nor the manufacturer is a firm covered in this or any previous review, the cash deposit rate will be 24.23 percent, the all others rate established in the LTFV investigation. (*See Certain Cut-to-Length Carbon Steel Plate from Sweden, Final Determination of Sales at Less Than Fair Value*, 58 FR 37213 (July 9, 1993).) These deposit requirements

shall remain in effect until publication of the final results of the next administrative review.

Notification of Interested Parties

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

This notice also serves as a reminder to parties subject to administrative protective orders (APOs) of their responsibility concerning the disposition of proprietary information disclosed under APO in accordance with 19 CFR 353.34(d)(1). Timely written notification of the return/destruction of APO materials or conversion to judicial protective order is hereby requested. Failure to comply with the regulations and the terms of an APO is a sanctionable violation.

This administrative review and notice are in accordance with section 751(a)(1) of the Act (19 U.S.C. 1675(a)(1)) and 19 CFR 353.22(c)(5).

Dated: August 27, 1997.

Robert S. LaRussa,

Assistant Secretary for Import Administration.

[FR Doc. 97–23607 Filed 9–4–97; 8:45 am]

BILLING CODE 3510–DS–P

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

Channel Islands National Marine Sanctuary Boater/Diver Survey

ACTION: Proposed collection; comment request.

SUMMARY: The Department of Commerce, as part of its continuing effort to reduce paperwork and respondent burden, invites the general public and other Federal agencies to take this opportunity to comment on proposed and/or continuing information collections, as required by the Paperwork Reduction Act of 1995, Pub. L. 104–13 (44 U.S.C. 3506(c)(2)(A)).

DATES: Written comments must be submitted on or before November 4, 1997.

ADDRESSES: Direct all written comments to Linda Engelmeier, Departmental Forms Clearance Officer, Department of Commerce, Room 5327, 14th and Constitution Avenue, NW, Washington DC 20230.

FOR FURTHER INFORMATION CONTACT: Requests for additional information or copies of the information collection instrument(s) and instructions should be directed to Laura Gorodezky, Education Coordinator, Channel Islands National Marine Sanctuary, 113 Harbor Way, Santa Barbara, CA 93109 (805–966–7107).

SUPPLEMENTARY INFORMATION:

I. Abstract

The Channel Islands National Marine Sanctuary will be conducting a needs assessment of the boating and diving communities from Santa Barbara through Los Angeles at marinas and boat launch ramps. We plan to collect demographic information on sanctuary users, determine how the sanctuary is used during different times of year, determine users' knowledge and attitudes about the Sanctuary, determine how users like to receive information and their level of interest in current/future educational programs offered by the Sanctuary. This information will help us develop educational programs that target the boating and diving communities.

II. Method of Collection

Interviews and survey forms will be used.

III. Data

OMB Number: none.
Form Number: none.
Type of Review: Regular Submission.
Affected Public: Boaters and divers.
Estimated Number of Respondents: 250.
Estimated Time Per Response: 10 minutes.
Estimated Total Annual Burden Hours: 42.
Estimated Total Annual Cost to Public: $0.

IV. Request for Comments

Comments are invited on: (a) Whether the proposed collection of information is necessary for the proper performance of the functions of the agency, including whether the information shall have practical utility; (b) the accuracy of the agency's estimate of the burden (including hours and cost) of the proposed collection of information; (c) ways to enhance the quality, utility, and clarity of the information to be collected; and (d) ways to minimize the burden of the collection of information on respondents, including through the use of automated collection techniques or other forms of information technology.

Comments submitted in response to this notice will be summarized and/or included in the request for OMB approval of this information collection; they also will become a matter of public record.

Dated: September 2, 1997.

Linda Engelmeier,

Departmental Forms Clearance Officer, Office of Management and Organization.

[FR Doc. 97–23635 Filed 9–4–97; 8:45 am]

BILLING CODE 3510–08–P

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

ENVIRONMENTAL PROTECTION AGENCY

Coastal Nonpoint Pollution Control Program: Proposed Findings Documents, Environmental Assessments, and Findings of No Significant Impact

AGENCY: National Oceanic and Atmospheric Administration, U.S. Department of Commerce, and The U.S. Environmental Protection Agency.

ACTION: Notice of availability of proposed findings documents, environmental assessments, and findings of no significant impact on approval of coastal nonpoint pollution control programs for Alaska, South Carolina and Virginia.

SUMMARY: Notice is hereby given of the availability of the Proposed Findings Documents, Environmental Assessments (EA's), and Findings of No Significant Impact for Alaska, South Carolina and Virginia. Coastal states and territories were required to submit their coastal nonpoint programs to the National Oceanic and Atmospheric Administration (NOAA) and the U.S. Environmental Protection Agency (EPA) for approval in July 1995. The Findings documents were prepared by NOAA and EPA to provide the rationale for the agencies' decision to approve each state and territory coastal nonpoint pollution control program. Section 6217 of the Coastal Zone Act Reauthorization Amendments (CZARA), 16 U.S.C. section 1455b, requires states and territories with coastal zone management programs that have received approval under section 306 of the Coastal Zone Management Act to develop and implement coastal nonpoint pollution control programs.

The EA's were prepared by NOAA, pursuant to the National Environmental Policy Act (NEPA), 42 U.S.C. sections 4321 *et seq.*, to assess the environmental impacts associated with the approval of the coastal nonpoint pollution control programs submitted to NOAA and EPA by Alaska, South Carolina and Virginia.

NOAA and EPA have proposed to approve, with conditions, the coastal nonpoint pollution control programs submitted by Alaska, South Carolina and Virginia. The requirements of 40 CFR Parts 1500–1508 (Council on Environmental Quality (CEQ) regulations to implement the National Environmental Policy Act) apply to the preparation of the Environmental Assessments. Specifically, 40 CFR section 1506.6 requires agencies to provide public notice of the availability of environmental documents. This notice is part of NOAA's action to comply with this requirement.

Copies of the Proposed Findings Documents, Environmental Assessments, and Findings of No Significant Impact may be obtained upon request from: Joseph P. Flanagan, Coastal Programs Division (N/ORM3), Office of Ocean and Coastal Resource Management, NOS, NOAA, 1305 East-West Highway, Silver Spring, Maryland, 20910, tel. (301) 713–3121, x201.

DATES: Individuals or organizations wishing to submit comments on the proposed Findings or Environmental Assessments should do so by October 6, 1997.

ADDRESSES: Comments should be made to: Joseph A. Uravitch, Coastal Programs Division (N/ORM3), Office of Ocean and Coastal Resource Management, NOS, NOAA, 1305 East-West Highway, Silver Spring, Maryland, 20910, tel. (301) 713–3155, x195. (Federal Domestic Assistance Catalog 11.419 Coastal Zone Management Program Administration).

Dated: August 29, 1997.

Evelyn J. Fields,

Acting Deputy Assistant Administrator for Ocean Services and Coastal Zone Management, National Oceanic and Atmospheric Administration.

Robert H. Wayland, III,

Director, Office of Wetlands, Oceans and Watersheds, Environmental Protection Agency.

[FR Doc. 97–23519 Filed 9–4–97; 8:45 am]

BILLING CODE 310–12–M

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

ENVIRONMENTAL PROTECTION AGENCY

Coastal Nonpoint Pollution Control Program; Proposed Findings Document, Environmental Assessment, and Finding of No Significant Impact

AGENCY: National Oceanic and Atmospheric Administration, U.S. Department of Commerce, and the U.S. Environmental Protection Agency.

ACTION: Notice of Extension of Comment Period for Proposed Findings Document, Environmental Assessment, and Finding of No Significant Impact on Approval of the Coastal Nonpoint Pollution Control Program for Louisiana.

SUMMARY: Notice is hereby given of the extension of the comment period on the Proposed Findings Document, Environmental Assessment (EA), and Finding of No Significant Impact on the Coastal Nonpoint Pollution Control Program (coastal nonpoint program) submitted to the National Oceanic and Atmospheric Administration (NOAA) and the U.S. Environmental Protection Agency (EPA) for approval by the State of Louisiana. A Notice of Availability was published at 62 FR 38520 on July 18, 1997. Comments were due by August 18, 1997. The Findings document was prepared by NOAA and EPA to provide the rationale for the agencies' decision to approve the Louisiana coastal nonpoint program. The EA was prepared by NOAA, pursuant to the National Environmental Policy Act (NEPA), 42 U.S.C. sections 4321 *et seq.*, to assess the environmental impacts associated with the approval of the Louisiana coastal nonpoint program.

NOAA and EPA have proposed to approve, with conditions, the coastal nonpoint pollution control program submitted by Louisiana. The requirements of 40 CFR Parts 1500–1508 (Council on Environmental Quality (CEQ) regulations to implement the National Environmental Policy Act) apply to the preparation of Environmental Assessments. Specifically, 40 CFR section 1506.6 requires agencies to provide public notice of the availability of environmental documents. This notice is part of NOAA's action to comply with this requirement.

Copies of the Proposed Findings Document, Environmental Assessment, and Finding of No Significant Impact may be obtained upon request from: Joseph P. Flanagan, Coastal Program Division (N/ORM3), Office of Ocean and Coastal Resource Management, NOS, NOAA, 1305 East-West Highway, Silver Spring, Maryland, 20910, tel. (301) 713–3121, x201.

DATES: Individuals or organizations wishing to submit comments on the Proposed Findings or Environmental Assessment should do so by October 20, 1997.

ADDRESSES: Comments should be made to: Joseph A. Uravitch, Coastal Programs Division (N/ORM3), Office of Ocean and Coastal Resource Management, NOS, NOAA, 1305 East-West Highway, Silver Spring, Maryland, 20910, tel. (301) 713–3155, x195. (Federal Domestic Assistance Catalog 11.419 Coastal Zone Management Program Administration.

Dated: August 1997.

Nancy Foster,

Assistant Administrator for Ocean Services and Coastal Zone Management, National Oceanic and Atmospheric Administration.

Robert H. Wayland, III,

Director, Office of Wetlands, Oceans and Watersheds, Environmental Protection Agency.

[FR Doc. 97–23615 Filed 9–4–97; 8:45 am]

BILLING CODE 3510–12–M

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

[I.D. 081797A]

Atlantic Striped Bass Fishery; 1996 Survey of Atlantic Striped Bass Fisheries

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

ACTION: Notice of availability of survey.

SUMMARY: NMFS announces the availability and summarizes the results of a survey of the Atlantic coast striped bass fisheries for 1996. The Atlantic Striped Bass Conservation Act (Act), requires NMFS to provide information on the status of the fisheries.

ADDRESSES: Copies of the survey results are available from Anne Lange, NOAA/NMFS/FX2, 8484 Georgia Avenue, Suite 425, Silver Spring, MD 20910.

FOR FURTHER INFORMATION CONTACT: Anne Lange, (301) 427–2014.

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 1996. Management measures that severely restricted the harvest of striped bass by commercial and recreational fisheries were further relaxed in 1996, as the stocks continued to rebuild.

The 1996 commercial harvest of striped bass was 5,400,000 lb(2,449 mt), an increase of 42 percent above the landings of 3,811,000 lb (1,729 mt) in 1995. The Chesapeake Bay area (Maryland, Virginia, and the Potomac River) accounted for 65 percent of the 1996 commercial landings, while Massachusetts and North Carolina accounted for 13 percent and 8 percent, respectively.

The recreational catch in 1996 was an estimated 14 million striped bass, of which 1.3 million were harvested; the remaining 12.7 million were released. The estimated weight of the recreational harvest was 14.7 million lb (6,668 mt).

Juvenile production varied among the producer areas, in 1996. In New York, the 1996 was lower than in 1995 but near the long term average. In Maryland and Virginia, the 1996 indices were the highest of their respective time-series, while the Delaware Bay index was the third highest on record. The North Carolina juvenile index increased in 1996, from a relative low in 1995, to near record levels, as seen in 1993 and 1994.

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: August 28, 1997.

David L. Evans,

Deputy Assistant Administrator for Fisheries, National Marine Fisheries Service.

[FR Doc. 97–23650 Filed 9–4–97; 8:45 am]

BILLING CODE 3510–22–F

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

[I.D. 082997B]

North Pacific Fishery Management Council; Meeting

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

ACTION: Notice of committee meeting.

SUMMARY: The Pacific Northwest Crab Industry Advisory Committee will meet in Seattle, WA.

DATES: The meeting will be held on Wednesday, October 1, 1997, beginning at 9:00 a.m.

ADDRESSES: The meeting will be held at the Leif Erikson Lodge Hall, 2245 NW 57th Street, Seattle, WA.

Council address: North Pacific Fishery Management Council, 605 W. 4th Ave., Suite 306, Anchorage, AK 99501–2252.

FOR FURTHER INFORMATION CONTACT: Garry Loncon, Committee Chairman; telephone: 206–283–6605.

SUPPLEMENTARY INFORMATION: The agenda for the meeting will include the following subjects:

1. Annual report to industry by the Alaska Department of Fish and Game (ADF&G).
2. Update on the ADF&G-managed crab observer program.
3. Review results of the St. Matthew and Pribilof king crab fisheries.
4. Review actions of the Alaska Board of Fisheries regarding management of the Bristol Bay red king crab fishery.
5. Discussion of the crab license limitation program.
6. Discussion of any other crab issues of importance to the committee.

Although other issues not contained in this agenda may come before this Committee for discussion, in accordance with the Magnuson-Stevens Fishery Conservation Act, those issues may not be the subject of formal Committee action during this meeting. Committee action will be restricted to those issues specifically identified in the agenda listed in this notice.

Special Accommodations

This meeting is physically accessible to people with disabilities. Requests for sign language interpretation or other auxiliary aids should be directed to Helen Allen, 907–271–2809, at least 5 working days prior to the meeting date.

Dated: August 29, 1997.

Gary C. Matlock,

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

[FR Doc. 97–23563 Filed 9–4–97; 8:45 am]

BILLING CODE 3510–22–F

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

[I.D. 082997A]

Western Pacific Fishery Management Council; Public Meeting

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

ACTION: Notice of public meeting.

SUMMARY: Staff of the Western Pacific Fishery Management Council (Council) will hold a meeting to discuss eligibility criteria for communities under a Western Pacific Community Development Program.

DATES: The meeting will be held on September 22, 1997, from 9:00 a.m. to 12:00 p.m.

ADDRESSES: The meeting will be held at the Council office, 1164 Bishop St., Suite 1400, Honolulu, HI; telephone: 808–522–8220.

Council address: Western Pacific Fishery Management Council, 1164 Bishop St., Suite 1400, Honolulu, HI 96813.

FOR FURTHER INFORMATION CONTACT: Kitty M. Simonds, Executive Director; telephone: 808–522–8220.

SUPPLEMENTARY INFORMATION: Council staff will hold a meeting to discuss elgibility criteria for communities seeking to participate in a Western Pacific Community Development Program. The authority to establish a Community Development Program was provided by the 1996 Magnuson-Stevens Fishery Conservation and Management Act. The intent of the program is to increase the benefits that the indigenous peoples of Hawaii, American Samoa, Guam and the Northern Mariana Islands receive from fisheries within the jurisdiction of the Council.

Special Accommodations

This meeting is physically accessible to people with disabilities. Requests for sign language interpretation or other auxiliary aids should be directed to Kitty M. Simonds, 808–522–8220 (voice) or 808–522–8226 (fax), at least 5 days prior to meeting date.

Dated: August 29, 1997.

Bruce C. Morehead,

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

[FR Doc. 97–23562 Filed 9–4–97; 8:45 am]

BILLING CODE 3510–22–F

COMMITTEE FOR THE IMPLEMENTATION OF TEXTILE AGREEMENTS

Announcement of Public Comment Period on the Elimination of the Paper Visa Requirement With the Governments of Korea and Singapore

August 29, 1997.

AGENCY: Committee for the Implementation of Textile Agreements (CITA).

ACTION: Seeking public comments on the elimination of the paper visa requirement with the Governments of Korea and Singapore.

FOR FURTHER INFORMATION CONTACT: Lori Mennitt, Office of Textiles and Apparel, U.S. Department of Commerce, (202) 482–3821.

SUPPLEMENTARY INFORMATION:

Authority: Executive Order 11651 of March 3, 1972, as amended; section 204 of the Agricultural Act of 1956, as amended (7 U.S.C. 1854).

The Electronic Visa Information System (ELVIS) allows foreign governments to electronically transfer shipment information to the U.S. Customs Service on textile and apparel shipments subject to quantitative restrictions. On November 9, 1995, a notice was published in the **Federal Register** (61 FR 56576) seeking public comments on the implementation of ELVIS. Subsequently, documents published on December 31, 1996 (61 FR 69082) and December 13, 1996 (61 FR 65548) announced that, starting on January 1, 1997, the Governments of Korea and Singapore would begin a six-month ELVIS test implementation phase. This test phase does not eliminate the requirement for a valid paper visa to accompany each shipment for entry into the United States.

As a result of successful use of the dual visa system, preparations are under way to move beyond the current dual system to the paperless ELVIS system with Korea and Singapore. However, exempt goods will still require a proper and correct exempt certification.

The Committee for the Implementation of Textile Agreements is requesting interested parties to submit comments on the elimination of the paper visa requirement for Korea and Singapore and utilization of the ELVIS system exclusively. Comments must be received on or before November 4, 1997. Comments may be mailed to Troy H. Cribb, Chairman, Committee for the Implementation of Textile Agreements, room 3001, U.S. Department of Commerce, 14th and Constitution Avenue, NW., Washington, DC 20230.

The Committee for the Implementation of Textile Agreements has determined that this action falls within the foreign affairs exception of the rulemaking provisions of 5 U.S.C.553(a)(1).

Troy H. Cribb,

Chairman, Committee for the Implementation of Textile Agreements.

[FR Doc. 97–23589 Filed 9–4–97; 8:45 am]

BILLING CODE 3510–DR–P

COMMITTEE FOR THE IMPLEMENTATION OF TEXTILE AGREEMENTS

Consolidation and Amendment of Export Visa Requirements to Include the Electronic Visa Information System for Certain Cotton, Wool, Man-Made Fiber, Silk Blend and Other Vegetable Fiber Textiles and Textile Products Produced or Manufactured in the Philippines; Correction

August 29, 1997.

In a notice document published in the **Federal Register** on August 18, 1997 (62 FR 43993) beginning on page 43993, make the following corrections in the letter to the Commissioner of Customs:

1. Third column, 2nd paragraph of letter, line 19, add ''200–239.''

2. Third column, 2nd paragraph of letter, line 21, delete ''(but not Categories 355, 356, 655, 656, 455, 371 and 671).''

3. First column on page 43994, end of last paragraph of letter, add ''A replacement visa may be issued by the Embassy of the Philippines in Washington, DC.''

Troy H. Cribb,

Chairman, Committee for the Implementation of Textile Agreements.

[FR Doc. 97–23590 Filed 9–4–97; 8:45 am]

BILLING CODE 3510–DR–P

DEPARTMENT OF DEFENSE

Office of the Secretary

Defense Partnership Council Meeting

AGENCY: Department of Defense.

ACTION: Notice of meeting.

SUMMARY: The Department of Defense (DoD) announces a meeting of the Defense Partnership Council. Notice of this meeting is required under the Federal Advisory Committee Act. This meeting is open to the public. The topics to be covered will include matters related to the enhancement of Labor-Management Partnerships throughout DoD.

DATES: The meeting is to be held October 1, 1997, in room 1E801, Conference Room 7, the Pentagon, from 1:00 p.m. until 3:00 p.m. Comments should be received by September 22, 1997, in order to be considered at the October 1 meeting.

ADDRESSES: We invite persons and organizations to submit written comments or recommendations. Mail or deliver your comments or recommendations to Mr. Kenneth Oprisko at the address shown below. Seating is limited and available on a first-come, first-serve basis. Individuals wishing to attend who do not possess an appropriate Pentagon building pass should call the below listed telephone number to obtain instructions for entry into the Pentagon. Handicapped individuals wishing to attend should also call the below listed telephone number to obtain appropriate accommodations.

FOR FURTHER INFORMATION CONTACT: Mr. Kenneth Oprisko, Chief, Labor Relations Branch, Field Advisory Services Division, Defense Civilian Personnel Management Service, 1400 Key Blvd. Suite B–200, Arlington, VA 22209–5144, (703) 696–6301, ext. 704.

Dated: August 29, 1997.

L.M. Bynum,

Alternate OSD Federal Register Liaison Officer, DoD.

[FR Doc. 97–23520 Filed 9–4–97; 8:45 am]

BILLING CODE 5000–04–M

DEPARTMENT OF EDUCATION

Notice of Proposed Information Collection Requests

AGENCY: Department of Education.

ACTION: Proposed collection; comment request.

SUMMARY: The Acting Deputy Chief Information Officer, Office of the Chief Information Officer, invites comments on the proposed information collection requests as required by the Paperwork Reduction Act of 1995.

DATES: Interested persons are invited to submit comments on or before November 4, 1997.

ADDRESSES: Written comments and requests for copies of the proposed information collection requests should be addressed to Patrick J. Sherrill, Department of Education, 600 Independence Avenue, S.W., Room 5624, Regional Office Building 3, Washington, DC 20202–4651.

FOR FURTHER INFORMATION CONTACT: Patrick J. Sherrill (202) 708–8196. Individuals who use a telecommunications device for the deaf (TDD) may call the Federal Information Relay Service (FIRS) at 1–800–877–8339 between 8 a.m. and 8 p.m., Eastern time, Monday through Friday.

SUPPLEMENTARY INFORMATION: Section 3506 of the Paperwork Reduction Act of 1995 (44 U.S.C. Chapter 35) requires that the Office of Management and Budget (OMB) provide interested Federal agencies and the public an early opportunity to comment on information collection requests. OMB may amend or

waive the requirement for public consultation to the extent that public participation in the approval process would defeat the purpose of the information collection, violate State or Federal law, or substantially interfere with any agency's ability to perform its statutory obligations. The Acting Deputy Chief Information Officer, Office of the Chief Information Officer, publishes this notice containing proposed information collection requests prior to submission of these requests to OMB. Each proposed information collection, grouped by office, contains the following: (1) Type of review requested, e.g., new, revision, extension, existing or reinstatement; (2) Title; (3) Summary of the collection; (4) Description of the need for, and proposed use of, the information; (5) Respondents and frequency of collection; and (6) Reporting and/or Recordkeeping burden. OMB invites public comment at the address specified above. Copies of the requests are available from Patrick J. Sherrill at the address specified above.

The Department of Education is especially interested in public comment addressing the following issues: (1) Is this collection necessary to the proper functions of the Department, (2) will this information be processed and used in a timely manner, (3) is the estimate of burden accurate, (4) how might the Department enhance the quality, utility, and clarity of the information to be collected, and (5) how might the Department minimize the burden of this collection on the respondents, including through the use of information technology.

Dated: August 29, 1997.

Linda Tague,

Acting Deputy Chief Information Officer, Office of the Chief Information Officer.

Office of the Under Secretary

Type of Review: New.

Title: Observational Study of Even Start Family Literacy Projects.

Frequency: Annually.

Affected Public: Individuals or households; Not-for-profit institutions; State, local or Tribal Gov't, SEAs or LEAs.

Annual Reporting and Recordkeeping Hour Burden:

Responses: 15

Burden Hours: 510

Abstract: This study will include 15 in-depth case studies of local family literacy projects that have fully implemented the Even Start program model and that have produced at least two years of positive outcomes for participants. The case studies will focus on how and why these projects have been successful. The case studies will also examine how the projects adjust to changes in client needs, their strategies for integrating program services and activities, their use of evaluation results for improving the quality of services, and their strategies for building a solid base of support to sustain the activities and services after federal funding ends. Data collection will include interviews with project staff, their partners, and project participants. Data collection will also include observation of activities and services and review of project documents.

[FR Doc. 97–23565 Filed 9–4–97; 8:45 am]

BILLING CODE 4000–01–P

DEPARTMENT OF EDUCATION

Submission for OMB Review; Comment Request

AGENCY: Department of Education.

ACTION: Submission for OMB review; comment request.

SUMMARY: The Acting Deputy Chief Information Officer, Office of the Chief Information Officer, invites comments on the submission for OMB review as required by the Paperwork Reduction Act of 1995.

DATES: Interested persons are invited to submit comments on or before October 6, 1997.

ADDRESSES: Written comments should be addressed to the Office of Information and Regulatory Affairs, Attention: Dan Chenok, Desk Officer, Department of Education, Office of Management and Budget, 725 17th Street, NW., Room 10235, New Executive Office Building, Washington, DC 20503. Requests for copies of the proposed information collection requests should be addressed to Patrick J. Sherrill, Department of Education, 600 Independence Avenue, S.W., Room 5624, Regional Office Building 3, Washington, DC 20202–4651.

FOR FURTHER INFORMATION CONTACT: Patrick J. Sherrill (202) 708–8196. Individuals who use a telecommunications device for the deaf (TDD) may call the Federal Information Relay Service (FIRS) at 1–800–877–8339 between 8 a.m. and 8 p.m., Eastern time, Monday through Friday.

SUPPLEMENTARY INFORMATION: Section 3506 of the Paperwork Reduction Act of 1995 (44 U.S.C. Chapter 35) requires that the Office of Management and Budget (OMB) provide interested Federal agencies and the public an early opportunity to comment on information collection requests. OMB may amend or waive the requirement for public consultation to the extent that public participation in the approval process would defeat the purpose of the information collection, violate State or Federal law, or substantially interfere with any agency's ability to perform its statutory obligations. The Acting Deputy Chief Information Officer, Office of the Chief Information Officer, publishes this notice containing proposed information collection requests prior to submission of these requests to OMB. Each proposed information collection, grouped by office, contains the following: (1) Type of review requested, e.g., new, revision, extension, existing or reinstatement; (2) Title; (3) Summary of the collection; (4) Description of the need for, and proposed use of, the information; (5) Respondents and frequency of collection; and (6) Reporting and/or Recordkeeping burden. OMB invites public comment at the address specified above. Copies of the requests are available from Patrick J. Sherrill at the address specified above.

Dated: August 29, 1997.

Linda C. Tague,

Acting Deputy Chief Information Officer, Office of the Chief Information Officer.

Office of Elementary and Secondary Education

Type of Review: Reinstatement.

Title: State Performance Report—Title I, Parts A & D, Elementary and Secondary Education Act (ESEA) as amended, Helping Disadvantaged Children Meet High Standards.

Frequency: Annually.

Affected Public: State, Local or Tribal Gov't, SEAs or LEAs.

Annual Reporting and Recordkeeping Hour Burden:

Responses: 53

Burden Hours: 49,302

Abstract: Under Title I Parts A & D of ESEA, States and their LEAs are required to collect, disaggregate and report data on participation and performance. Under Section 1501(b), the Secretary may collect those data and, under Section 14201(d) the Secretary requires review of the use of Title I consolidated administrative funds.

[FR Doc. 97–23566 Filed 9–4–97; 8:45 am]

BILLING CODE 4000–01–P

DEPARTMENT OF ENERGY

Office of Environment, Safety and Health; Notice of Potential Applicant Visit to Honolulu, Hawaii, and the Republic of the Marshall Islands

AGENCY: Office of Environment, Safety and Health, Department of Energy (DOE).

ACTION: Notice.

SUMMARY: The Department of Energy has arranged a site visit regarding the Department's medical program in the Republic of the Marshall Islands. This site visit is to provide potential applicants with further information about DOE's special medical care program in the Marshall Islands.

DATES: September 20 through 29, 1997.

ADDRESSES: Site Visit will be held in Honolulu, Hawaii, and the Republic of the Marshall Islands.

FOR FURTHER INFORMATION CONTACT: Mr. William Jackson, DOE Field Program Manager in Honolulu, Telephone: 808–422–9203; Facsimile: 808–422–9217; or E-mail: bjackson@tis.eh.doe.gov.

SUPPLEMENTARY INFORMATION: At the DOE Office of Environment, Safety and Health's July 8, 1997, public meeting in Oakland, California, on the Draft Notice of Availability of Funds and Request for Applications for the Department of Energy Medical Program in the Republic of the Marshall Islands, published in the **Federal Register** on May 29, 1997 (62 FR 29125), DOE announced its intent to conduct a site visit to the Marshall Islands to provide potential applicants with further information about DOE's special medical care program in the Marshall Islands. Each participant in the site visit to be conducted from September 20 through 29, 1997, will be responsible for defraying his/her own travel costs and related expenses.

Paul J. Seligman,

Deputy Assistant Secretary for Health Studies.

[FR Doc. 97–23616 Filed 9–4–97; 8:45 am]

BILLING CODE 6450–01–P

DEPARTMENT OF ENERGY

Beryllium Rule Advisory Committee

AGENCY: Office of Environment, Safety and Health, Department of Energy.

ACTION: Notice of open meeting.

SUMMARY: Pursuant to the provisions of the Federal Advisory Committee (Pub. L. 92–463, 86 Stat. 770), notice is hereby given of the following Advisory Committee meeting:

Name: Beryllium Rule Advisory Committee.

Dates and Times: Tuesday, September 30, 1997 through Friday, October 3, 1997, 8:00 a.m.–5:00 p.m.

Place: The Channel Inn Hotel, 650 Water Street, S.W., Washington, DC 20024, (202) 554–2400.

FOR FURTHER INFORMATION CONTACT: Jacqueline D. Rogers, U.S. Department of Energy, Office of Environment, Safety and Health, EH–51, 270CC, 19901 Germantown Road, Germantown, MD 20874–1290, (301) 903–5684. The Internet address is: jackie.rogers@eh.doe.gov.

SUPPLEMENTARY INFORMATION: Purpose of the Committee. The Purpose of the Committee is to provide the Secretary of Energy with advice, information, and recommendations on the development of a proposed rulemaking for beryllium. The Committee will provide an organized forum for a diverse set of interested stakeholders and technically adept individuals to conduct an in-depth assessment of beryllium-related issues.

Tentative Agenda*

September 30, 1997

8:00 a.m. Registration
9:00 a.m. Committee Chair Opens Public Meeting
9:05 a.m. Welcoming Remarks
9:20 a.m. Presentation on Advisory Committee Management
9:30 a.m. Presentation on Legal Requirements
9:45 a.m. Opening Remarks of the Chair
10:00 a.m. Overview Presentations
11:00 a.m. Guest Speaker Remarks
11:15 a.m. Overview of Facilitated Process
12:00 p.m. Lunch
1:30 p.m. Facilitated Meeting
4:30 p.m. Statements from the Public
5:00 p.m. Adjourn

October 1–3, 1997

8:00 a.m. Registration
9:00 a.m. Chair Opens Meeting
9:05 a.m. Facilitated Meeting
12:00 p.m. Lunch
1:30 p.m. Facilitated Meeting
4:30 p.m. Statements from the Public
5:00 p.m. Meeting Adjourns

A final agenda will be available at the meeting.

*** Note:** It is anticipated that Breakout Sessions may occur during this Public Meeting. Members of the public are invited to attend the breakout sessions.

Public Participation: The meeting is open to the public. Written statements may be filed with the Board either before or after the meeting. Members of the public who wish to make oral statements pertaining to agenda items should contact Jacqueline Rogers at the mailing address, telephone number or internet address listed above. Individuals may also register to speak on September 30, 1997 to October 3, 1997 at the meeting site. Every effort will be made to hear all those wishing to speak to the Committee, on a first come, first serve basis. Those who call in will be given the opportunity to speak first. Depending upon the number of individuals wishing to speak, the Committee Chair will determine the length of time for the presentations at each meeting. The Committee Chair is empowered to conduct the meeting in a fashion that will facilitate the orderly conduct of business.

Meeting Minutes: Meeting minutes will be available for public review and copying at the Freedom of Information Public Reading Room, 1E–190, Forrestal Building, 1000 Independence, S.W., Washington, DC 20585 between 9:00 a.m. and 4:00 p.m., Monday through Friday, except Federal holidays.

Issued at Washington, DC, on September 2, 1997.

Rachel M. Samuel,

Deputy Advisory Committee, Management Officer.

[FR Doc. 97–23648 Filed 9–4–97; 8:45 am]

BILLING CODE 6450–01–P

DEPARTMENT OF ENERGY

Bonneville Power Administration

Watershed Management Program

AGENCY: Bonneville Power Administration (BPA), Department of Energy (DOE).

ACTION: Notice of availability of Record of Decision (ROD).

SUMMARY: This notice announces the availability of the ROD to adopt a set of prescriptions (goals, strategies, and procedural requirements) that apply to future BPA-funded watershed management projects. Various sources—including Indian tribes, state agencies, property owners, private conservation groups, or other Federal agencies—propose watershed projects to the Northwest Power Planning Council (Council) for BPA funding. Following independent scientific and public reviews, Council then selects projects to recommend for BPA funding. BPA adopts this set of prescriptions to standardize the planning and implementation of individual watershed management projects. This decision is based on consideration of potential environmental impacts evaluated in

BPA's Watershed Management Program Final Environmental Impact Statement (DOE/EIS–0265) published July 8, 1997, and filed with the Environmental Protection Agency (EPA) the week of July 14, 1997 (EPA Notice of Availability published July 18, 1997, 62 FR 65, 16145).

ADDRESSES: Copies of the ROD and Environmental Impact Statement may be obtained by calling BPA's toll-free document request line: 1–800–622–4520.

FOR FURTHER INFORMATION, CONTACT: Eric N. Powers—ECN–4, Bonneville Power Administration, P.O. Box 3621, Portland, Oregon, 97208–3621, phone number (503) 230–5823, fax number (503) 230–5699.

Issued in Portland, Oregon, on August 27, 1997.

Sue F. Hickey,

Chief Operating Officer.

[FR Doc. 97–23617 Filed 9–4–97; 8:45 am]

BILLING CODE 6450–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket No. RP97–482–000]

Algonquin LNG, Inc.; Notice of Proposed Changes in FERC Gas Tariff

August 29, 1997.

Take notice that on August 26, 1997, Algonquin LNG, Inc. (ALNG) tendered for filing as part of its FERC Gas Tariff, First Revised Volume No. 1, First Revised Sheet No. 53 to be effective September 25, 1997.

ALNG asserts that the purpose of this filing is to comply with the Commission's Order No. 636–C, Ordering Paragraph (B) which requires any pipeline with a right-of-first-refusal tariff provision containing a contract term cap longer than five years to revise its tariff consistent with the revised cap of five years adopted in Order No. 636–C.

ALNG states that copies of this filing were served on firm customers of ALNG and interested state commissions.

Any person desiring to be heard or to protest this filing should file a motion to intervene or protest with the Federal Energy Regulatory Commission, 888 First Street, NE., Washington, DC 20426, in accordance with Sections 385.214 and 385.211 of the Commission's Rules and Regulations. All such motions or protests must be filed as provided in Section 154.210 of the Commission's Regulations. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a motion to intervene. Copies of this filing are on file with the Commission and are available for public inspection in the Public Reference Room.

Lois D. Cashell,

Secretary.

[FR Doc. 97–23558 Filed 9–4–97; 8:45 am]

BILLING CODE 6717–01–M

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket No. ER97–3377–000]

Allegheny Power Service Corporation; Notice of Filing

August 29, 1997.

Take notice that on August 5, 1997, Allegheny Power Service Corporation tendered for filing an amendment in the above-referenced docket.

Any person desiring to be heard or to protest said filing should file a motion to intervene or protest with the Federal Energy Regulatory Commission, 888 First Street, N.E., Washington, D.C. 20426, in accordance with Rules 211 and 214 of the Commission's Rules of Practice and Procedure (18 CFR 385.211 and 385.214). All such motions or protests should be filed on or before September 11, 1997. 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. 97–23620 Filed 9–4–97; 8:45 am]

BILLING CODE 6717–01–M

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket No. ER97–2701–000]

Allegheny Power Service Corporation; Notice of Filing

August 29, 1997.

Take notice that on August 7, 1997, Allegheny Power Service Corporation tendered for filing an amendment in the above-referenced docket.

Any person desiring to be heard or to protest said filing should file a motion to intervene or protest with the Federal Energy Regulatory Commission, 888 First Street, N.E., Washington, D.C. 20426, in accordance with Rules 211 and 214 of the Commission's Rules of Practice and Procedure (18 CFR 385.211 and 385.214). All such motions or protests should be filed on or before September 11, 1997. 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. 97–23621 Filed 9–4–97; 8:45 am]

BILLING CODE 6717–01–M

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket No. ER97–3788–000]

Anker Power Services, Inc.; Notice of Filing

August 7, 1997.

Take notice that on July 21, 1997, Anker Power Services, Inc. (Anker Power), tendered for filing with the Federal Energy Regulatory Commission (Commission) Anker Power Services, Inc., FERC Rate Schedule No. 1 which permits Anker Power to make sales of capacity and energy at market-based rates.

Any person desiring to be heard or to protest said filing should file a motion to intervene or protest with the Federal Energy Regulatory Commission, 888 First Street, N.E., Washington, D.C. 20426, in accordance with Rules 211 and 214 of the Commission's Rules of Practice and Procedure (18 CFR 385.211 and 385.214). All such motions or protests should be filed on or before August 21, 1997. 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.

Linwood A. Watson, Jr.

Acting Secretary.

[FR Doc. 97–23619 Filed 9–4–97; 8:45 am]

BILLING CODE 6717–01–M

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket No. RP97–172–006]

ANR Storage Company; Notice of Compliance Filing

August 29, 1997.

Take notice that on August 26, 1997, ANR Storage Company (ANRS) tendered for filing as part of its FERC Gas Tariff Original Volume No. 1, Substitute Fifth Revised Sheet No. 5 and Substitute First Revised Sheet No. 126, to be effective June 1, 1997.

ANRS states that the attached tariff sheets are being filed in compliance with the Commission's Order issued on August 11, 1997 in the above captioned docket.

ANRS states that copies of the filing were served upon the company's Jurisdictional customers.

Any person desiring to protest said filing should file a protest with the Federal Energy Regulatory Commission, 888 First Street, NE., Washington, DC 20426, in accordance with Section 385.211 of the Commission's Rules and Regulations. All such protests must be filed in accordance with Section 154.210 of the Commission's Regulations. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Copies of this filing are on file with the Commission and are available for public inspection in the Public Reference Room.

Lois D. Cashell,

Secretary.

[FR Doc. 97–23545 Filed 9–4–97; 8:45 am]

BILLING CODE 6717–01–M

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket No. RP97–478–000]

ANR Storage Company, Notice of Proposed Changes in FERC Gas Tariff

August 29, 1997.

Take notice that on August 26, 1997, ANR Storage Company (ANRS) tendered for filing as part of its FERC Gas Tariff, Original Volume No. 1, Second Revised Sheet No. 147, to be effective October 1, 1997.

ANRS states that the attached tariff sheet is being filed in compliance with the Commission's Order No. 636–C issued on February 27, 1997, at Docket Nos. RM91–11–006 and RM87–34–072. ANRS states that the tariff sheet incorporates the new right-of-first-refusal contract term cap. ANRS also states since Order No. 636–C currently is pending rehearing at the Commission, ANRS reserves its right to change its right-of-first-refusal tariff provision to a contract term cap longer that five (5) years should Order No. 636–C be revised on rehearing, or as a result of any subsequent action by the courts.

ANRS states that copies of the filing were served upon the company's Jurisdictional customers.

Any person desiring to be heard or to protest said filing should file a motion to intervene or protest with the Federal Energy Regulatory Commission, 888 First Street, N.E., Washington, D.C. 20426, in accordance with Sections 385.214 and 385.211 of the Commission's Rules and Regulations. All such motions or protests must be filed in accordance with Section 154.210 of the Commission's Regulations. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a motion to intervene. Copies of this filing are on file with the Commission and are available for public inspection in the Public Reference Room.

Lois D. Cashell,

Secretary.

[FR Doc. 97–23555 Filed 9–4–97; 8:45 am]

BILLING CODE 6717–01–M

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket No. RP97–170–006]

Blue Lake Gas Storage Company; Notice of Compliance Filing

August 29, 1997.

Take notice that on August 26, 1997, Blue Lake Gas Storage Company (Blue Lake) tendered for filing as part of its FERC Gas Tariff, First Revised Volume No. 1, Substitute Fifth Revised Sheet No. 5 and Substitute First Revised Sheet No. 126, to be effective June 1, 1997.

Blue Lake states that the tariff sheets are being filed in compliance with the Commission's Order issued on August 21, 1997 in the above captioned docket.

Blue Lake states that copies of the filing were served upon the company's Jurisdictional customer.

Any person desiring to protest said filing should file a protest with the Federal Energy Regulatory Commission, 888 First Street, N.E., Washington, D.C. 20426, in accordance with Section 385.211 of the Commission's Rules and Regulations. All such protests must be filed in accordance with Section 154.210 of the Commission's Regulations. Protests will be considered by the Commission's Regulations. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Copies of this filing are on file with the Commission and are available for public inspection in the Public Reference Room.

Lois D. Cashell,

Secretary.

[FR Doc. 97–23544 Filed 9–4–97; 8:45 am]

BILLING CODE 6717–01–M

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket No. RP97–476–000]

Blue Lake Gas Storage Company; Notice of Proposed Changes in FERC Gas Tariff

August 29, 1997.

Take notice that on August 26, 1997, Blue Lake Gas Storage Company (Blue Lake) tendered for filing as part of its FERC Gas Tariff, First Revised Volume No. 1, Second Revised Sheet No. 147, to be effective October 1, 1997.

Blue Lake states that the attached tariff sheet is being filed in compliance with the Commission's Order No. 636–C issued on February 27, 1997, at Docket Nos. RM91–11–006 and RM87–34–072. The tariff sheet incorporates the new right-of-first-refusal contract term cap. Blue Lake also states since Order No. 636–C currently is pending rehearing at the Commission, Blue Lake reserves its right to change its right-of-first-refusal tariff provision to a contract term cap longer that five (5) years should Order No. 636–C be revised on rehearing, or as a result of any subsequent action by the courts.

Blue Lake states that copies of the filing were served upon the company's Jurisdictional customers.

Any person desiring to be heard or to protest said filing should file a motion to intervene or protest with the Federal

Energy Regulatory Commission, 888 First Street, N.E., Washington, D.C. 20426, in accordance with Sections 385.214 and 385.211 of the Commission's Rules and Regulations. All such motions or protests must be filed in accordance with Section 154.210 of the Commission's Regulations. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any Person wishing to become a party must file a motion to intervene. Copies of this filing are on file with the Commission and are available for public inspection in the Public Reference Room.

Lois D. Cashell,

Secretary.

[FR Doc. 97–23553 Filed 9–4–97; 8:45 am]

BILLING CODE 6717–01–M

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket No. RP97–389–002]

Columbia Gas Transmission Corporation; Notice of Compliance Filing

August 29, 1997.

Take notice that on August 26, 1997, Columbia Gas Transmission Corporation (Columbia) tendered for filing to become part of its FERC Gas Tariff, Second Revised Volume No. 1, 2nd Sub Sixth Revised Sheet No. 282, bearing a proposed effective date of July 7, 1997.

Columbia states that the purpose of this filing is to comply with the Commission's August 11, 1997, letter order accepting Columbia's July 14, 1997, filing made in compliance with an order issued July 3, 1997. The letter order directed Columbia to further revise Section 4.2(a)(2) of its tariff to clarify that the three-day posting period applies to firm capacity that will be available for a term of five months or more, but ''less than'' twelve months. The ''less than'' language is necessary to clarify an ambiguity between Sections 4.2(a)(1) and 4.2(a)(2). Columbia has revised Section 4.2(a)(2) in compliance with the letter order.

Columbia states that copies of its filing have been mailed to all firm customers, interruptible customers, affected state commissions, and parties on the official service list in this proceeding.

Any person desiring to protest said filing should file a protest with the Federal Energy Regulatory Commission, 888 First Street, N.E., Washington, D.C. 20426, in accordance with Section 385.211 of the Commission's Regulations. All such protests must be filed as provided in Section 154.210 of the Commission's Regulations. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceedings. Copies of this filing are on file with the Commission and are available for public inspection in the Public Reference Room.

Lois D. Cashell,

Secretary.

[FR Doc. 97–23547 Filed 9–4–97; 8:45 am]

BILLING CODE 6717–01–M

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket No. RP97–473–000]

Columbia Gas Transmission Corporation; Notice of Proposed Changes in FERC Gas Tariff

August 29, 1997.

Take notice that on August 26, 1997, Columbia Gas Transmission Corporation (Columbia) tendered for filing to become part of its FERC Gas Tariff, Second Revised Volume No. 1, the following revised tariff sheets, bearing a proposed effective date of September 1, 1997:

Fourth Revised Sheet No. 280
Sixth Revised Sheet No. 281
Third Revised Sheet No. 283

Columbia states that the purpose of this filing is to comply with the Commission's Order No. 636–C wherein the Commission established five years as the maximum length contract term that must be matched by a shipper exercising its right of first refusal. In Order No. 636–C, the Commission further directed pipelines to reflect this five-year term matching cap in their right of first refusal tariff provisions within 180 days from issuance of Order No. 636–C. Columbia states that it has revised its General Terms and Conditions Sections 4.1(c)(1), (4) and 4.2(d) to provide that the longest contract term that a shipper exercising its right of first refusal must match is five years.

Columbia states that copies of its filing have been mailed to all firm customers, interruptible customers, and affected state commissions.

Any person desiring to be heard or to protest said filing should file a motion to intervene or protest with the Federal Energy Regulatory Commission, 888 First Street, N.E. Washington, D.C. 20426, in accordance with Sections 385.214 and 385.211 of the Commission's regulations. All such interventions or protests must be filed as provided in Section 154.210 of the Commission's Regulations. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceedings. Any person wishing to become a party must file a motion to intervene. A copy of this filing is on file with the Commission and is available for public inspection in the Public Reference Room.

Lois D. Cashell,

Secretary.

[FR Doc. 97–23550 Filed 9–4–97; 8:45 am]

BILLING CODE 6717–01–M

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket No. RP97–390–002]

Columbia Gulf Transmission Company; Notice of Compliance Filing

August 29, 1997.

Take notice that on August 26, 1997, Columbia Gulf Transmission Company (Columbia Gulf) filed to its FERC Gas Tariff, Second Revised Volume No. 1, the following revised tariff sheets bearing a proposed effective date of July 7, 1997.

2nd Sub Second Revised Sheet No. 145A

Columbia Gulf states that the purpose of this filing is to comply with the Commission's August 11, 197, letter order accepting Columbia Gulf's July 14, 1997, filing made in compliance with an order issued July 3, 1997. The letter order directed Columbia Gulf to further revise Section 4.2(a)(2) of its tariff to clarify that the three-day posting period applies to firm capacity that will be available for a term of five months or more, but ''less than'' twelve months. The ''less than'' language is necessary to clarify an ambiguity between Sections 4.2(a)(1) and 4.2(a)(2). Columbia Gulf has revised Section 4.2(a)(2) in compliance with the letter order.

Columbia Gulf states that copies of its filing have been mailed to all firm customers, interruptible customers, affected state commissions, and parties on the official service list in this proceeding.

Any person desiring to protest said filing should file a protest with the Federal Energy Regulatory Commission, 888 First Street, N.E., Washington, D.C. 20426, in accordance with Section

385.211 of the Commission's Regulations. All such protests must be filed as provided in Section 154.210 of the Commission's Regulations. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceedings. Copies of this filing are on file with the Commission and are available for public inspection in the Public Reference Room.

Lois D. Cashell,

Secretary.

[FR Doc. 97–23548 Filed 9–4–97; 8:45 am]

BILLING CODE 6717–01–M

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket No. RP97–474–000]

Columbia Gulf Transmission Company; Notice of Proposed Changes in FERC Gas Tariff

August 29, 1997.

Take notice that on August 26, 1997, Columbia Gulf Transmission Company (Columbia Gulf) tendered for filing to become part of its FERC Gas Tariff, Second Revised Volume No. 1, the following revised tariff sheets, bearing a proposed effective date of September 1, 1997:

Third Revised Sheet No. 144
Fourth Revised Sheet No. 145
Second Revised Sheet No. 146A

Columbia Gulf states that the purpose of this filing is to comply with the Commission's Order No. 636–C wherein the Commission established five years as the maximum length contract term that must be matched by a shipper exercising its right of first refusal. In Order No. 636–C, the Commission further directed pipelines to reflect this five-year term matching cap in their right of first refusal tariff provisions within 180 days from issuance of Order No. 636–C. Columbia Gulf states that it has revised its General Terms and Conditions Sections 4.1(c) (1), (4) and 4.2(d) to provide that the longest contract term that a shipper exercising its right of first refusal must match is five years.

Columbia Gulf states that copies of its filing have been mailed to all firm customers, interruptible customers, and affected state commissions.

Any person desiring to be heard or to protest said filing should file a motion to intervene or protest with the Federal Energy Regulatory Commission, 888 First Street, N.E., Washington, D.C. 20426, in accordance with Sections 385.214 and 385.211 of the Commission's Regulations. All such interventions or protests must be filed as provided in Section 154.210 of the Commission's regulations. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceedings. Any person wishing to become a party must file a motion to intervene. A copy of this filing is on file with the Commission and is available for public inspection in the Public Reference Room.

Lois D. Cashell,

Secretary.

[FR Doc. 97–23551 Filed 9–4–97; 8:45 am]

BILLING CODE 6717–01–M

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket No. ER97–4258–000]

Commonwealth Electric Company, Cambridge Electric Light Company; Notice of Filing

August 29, 1997.

Take notice that on July 8, 1997, Commonwealth Electric Company and Cambridge Electric Light Company tendered for filing their first quarterly report of transactions under their market-based power sales tariffs for the period of April 1, 1997 to June 30, 1997.

Any person desiring to be heard or to protest said filing should file a motion to intervene or protest with the Federal Energy Regulatory Commission, 888 First Street, N.E., Washington, D.C. 20426, in accordance with Rules 211 and 214 of the Commission's Rules of Practice and Procedure (18 CFR 385.211 and 385.214). All such motions or protests should be filed on or before September 5, 1997. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make any 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. 97–23622 Filed 9–4–97; 8:45 am]

BILLING CODE 6717–01–M

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket No. TM98–1–24–000]

Equitrans, L.P.; Notice of Proposed Change in FERC Gas Tariff

August 29, 1997.

Take notice that on August 27, 1997, Equitrans, L.P. (Equitrans), tenedered for filing to become part of its FERC Gas Tariff, First Revised Volume No. 1, the following tariff sheets to be effective October 1, 1997:

Primary Tariff Sheets

Ninth Revised Sheet No. 5
Tenth Revised Sheet No. 6
Eighth Revised Sheet No. 8

Alternatie Tariff Sheets

Alt Ninth Revised Sheet No. 5
Alt Tenth Revised Sheet No. 6
Alt Eighth Revised Sheet No. 8

Pursuant to Order No. 472, the Commission has authorized pipeline companies to track and pass through to their customers their annual charges under an Annual Charge Adjustment (ACA) clause. The 1997 ACA unit surcharge approved by the Commission is $.0022 per Dth.

Equitrans states that it is filing primary and alternate tariff sheets to implement the change to its ACA unit surcharge. The primary and alternate sheets reflect no difference in the level of the ACA charge, and are filed to correspond to the primary and alternate rate sheets which Equitrans has filed in its general Section 4 rate case in Docket No. RP97–346.

Pursuant to Section 154.207 of the Commission's Regulations, Equitrans requests that the Commission grant any waivers necessary to permit the tariff sheets contained herein to become effective October 1, 1997.

Equitrans states that a copy of its filing has been served upon its customers and interested state commissions.

Any person desiring to be heard or to protest said filing should file a motion to intervene or protest with the Federal Energy Regulatory Commission, 888 First Street, N.E., Washington, D.C. 20426, in accordance with Section 385.211 and 385.214 of the Commission's Rules and Regulations. All such motions or protests must be filed in accordance with Section 154.210 of the Commission's Regulations. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to

the proceeding. Any person wishing to become a party must file a motion to intervene. Copies of this filing are on file with the Commission and are available for public inspection in the Public Reference Room.

Lois D. Cashell,

Secretary.

[FR Doc. 97–23560 Filed 9–4–97; 8:45 am]

BILLING CODE 6717–01–M

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket No. RP97–475–000]

Great Lakes Gas Transmission Limited Partnership; Notice of Proposed Changes in FERC Gas Tariff

August 29, 1997.

Take notice that on August 26, 1997, Great Lakes Gas Transmission Limited Partnership (Great Lakes) tendered for filing as part of its FERC Gas Tariff, Second Revised Volume No. 1, Second Revised Sheet No. 45 and First Revised Sheet No. 46, proposed to be effective October 1, 1997.

Great Lakes stated that the above-named tariff sheets are being filed to comply with the Commission's Order No. 636–C, 78 FERC ¶ 61,186 (1997), in which the matching term for the right-of-first-refusal procedures was revised from twenty years to five years. Order 636–C was issued by the Commission following the remand of six issues by the Court of Appeals for the *District of Columbia in United Distribution Cos.* v. *FERC*, 88 F. 3d 1105 (D.C. Cir. 1996).

Any person desiring to be heard or to protest said filing should file a motion to intervene or protest with the Federal Energy Regulatory Commission, 888 First Street, N.E., Washington, D.C. 20426, in accordance with Section 385.214 and Section 385.211 of the Commission's Rules and Regulations. All such motions or protests must be filed as provided in Section 154.210 of the Commission's Regulations. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a motion to intervene. Copies of this filing are on file with the Commission and are available for public inspection in the Commission's Public Reference Room.

Lois D. Cashell,

Secretary.

[FR Doc. 97–23552 Filed 9–4–97; 8:45 am]

BILLING CODE 6717–01–M

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket No. RP97–479–000]

Koch Gateway Pipeline Company; Notice of Proposed Changes in FERC Gas Tariff

August 29, 1997.

Take notice that on August 26, 1997, Koch Gateway Pipeline Company (Koch) tendered for filing to become part of its FERC Gas Tariff, Fifth Revised Volume No. 1, the following tariff sheets to be effective September 25, 1997:

First Revised Sheet No. 300
Fourth Revised Sheet No. 3702

Koch states that this filing is in compliance with the Commission's February 27, 1997, ''Order on Remand'', Docket No. RM91–11–006. As directed in the Order, Koch is revising its tariff sheets to allow NNS service to all customers, and to reduce the matching requirement of a right of first refusal customer to a maximum of five years.

Any person desiring to be heard or to protest said filing should file a motion to intervene or protest with the Federal Energy Regulatory Commission, 888 First Street, N.E., Washington, D.C. 20426, in accordance with Sections 385.214 and 385.211 of the Commission's Regulations. All such motions or protest must be filed as provided in Section 154.210 of the Commission's Regulations. Protests will be considered by the Commission in determining appropriate action to be taken, but will not serve to make protestants parties to the proceedings. 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. 97–23556 Filed 9–4–97; 8:45 am]

BILLING CODE 6717–01–M

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket No. RP97–443–001]

Northern Border Pipeline Company; Notice of Compliance Filing

August 29, 1997.

Take notice that on August 26, 1997, Northern Border Pipeline Company (Northern Border) tendered for filing as part of its FERC Gas Tariff, First Revised Volume No. 1, the following tariff sheets to become effective September 25, 1997:

Substitute First Revised Sheet Number 119
First Revised Sheet Number 121
First Revised Sheet Number 123
Second Revised Sheet Number 124

Northern Border asserts that the purpose of this filing is to make further revisions in its tariff in addition to the proposed tariff changes initially filed in this docket on August 8, 1997 in compliance with Order No. 636–C, issued February 27, 1997, in Docket Nos. RM91–11–006 and RM87–34–072. In Order No. 636–C, the Commission required that any pipeline with a right-of-first refusal tariff provision containing a contract term longer than five years revise its tariff to reflect the new five year cap.

Any person desiring to protest this filing should file a protest with the Federal Energy Regulatory Commission, 888 First Street, N.E., Washington, DC 20426, in accordance with Section 385.211 of the Commission's Rules and Regulations. All such protests must be filed as provided in Section 154.210 of the Commission's Regulations. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Copies of this filing are on file with the Commission and are available for public inspection in the Public Reference Room.

Lois D. Cashell,

Secretary.

[FR Doc. 97–23549 Filed 9–4–97; 8:45 am]

BILLING CODE 6717–01–M

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket No. CP97–702–000]

Northern Natural Gas Co.; Request Under Blanket Authorization

August 29, 1997.

Take notice that on August 20, 1997, Northern Natural Gas Company (Northern), 1111 South 103rd Street, Omaha, Nebraska 68124–1000, filed in Docket No. CP97–702–000 a request pursuant to §§ 157.205, and 157.212, of the Commission's Regulations under the Natural Gas Act (18 CFR 157.205, 157.212) for authorization to install and operate a new delivery point in Brown County, Minnesota under Northern's blanket certificate issued in Docket No. CP82–401–000 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.

Northern states that it requests authority to install and operate the proposed delivery point to accommodate natural gas deliveries to NSP Utilities (NSP) under Northern's currently effective throughput service agreements with NSP. Northern asserts that NSP has requested the proposed delivery point to accommodate service to their customers who have not previously been served by natural gas. Northern states that the estimated volumes to be delivered are 600 MMBtu on a peak day and 54,750 MMBtu on an annual basis and the estimated cost to install the delivery point is $80,000.

Any person or the Commission's staff may, within 45 days after issuance of the instant notice by the Commission, file pursuant to Rule 214 of the Commission's Procedural Rules (18 CFR 385.214) a motion to intervene or notice of intervention and pursuant to § 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. 97–23541 Filed 9–4–97; 8:45 am]

BILLING CODE 6717–01–M

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket No. CP97–704–000]

Northern Natural Gas Company; Notice of Request Under Blanket Authorization

August 29, 1997.

Take notice that on August 22, 1997, Northern Natural Gas Company (Northern), 1111 South 103rd Street, Omaha, Nebraska 68124–1000, filed in Docket No. CP97–704–000 a request pursuant to Sections 157.205, 157.212, and 157.216, of the Commission's Regulations under the Natural Gas Act (18 CFR 157.205, 157.212, 157.216) for authorization to relocate an existing delivery point in Sarpy County, Nebraska under Northern's blanket certificate issued in Docket No. CP82–401–000 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.

Northern states that service will be provided to UtiliCorp United Inc. (UCU) pursuant to currently effective throughput service agreements. It is asserted that the proposed volumes to be delivered for UCU at the proposed delivery point are 28 MMBtu on a peak day and 3,066 MMBtu on an annual basis. Northern estimates a cost of relocating the proposed delivery point of $64,000.

Any person or the Commission's staff may, within 45 days after issuance of the instant notice by the Commission, file pursuant to Rule 214 of the Commission's Procedural Rules (18 CFR 385.214) a motion to intervene or notice of intervention and pursuant to Section 157.205 of the Regulations under the Natural Gas Act (18 CFR 157.205) a protest to the request. If no protest is filed within the time allowed therefor, the proposed activity shall be deemed to be authorized effective the day after the time allowed for filing a protest. If a protest is filed and not withdrawn 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. 97–23542 Filed 9–4–97; 8:45 am]

BILLING CODE 6717–01–M

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket No. RP97–481–000]

Panhandle Eastern Pipe Line Company; Notice of Proposed Changes in FERC Gas Tariff

August 29, 1997.

Take notice that on August 26, 1997, Panhandle Eastern Pipe Line Company (Panhandle) tendered for filing as part of its FERC Gas Tariff, First Revised Volume No. 1, the following revised tariff sheet proposed to be effective September 25, 1997:

Fifth Revised Sheet No. 235

Panhandle assets that the purpose of this filing is to comply with Ordering Paragraph (B) of the Commission's February 27, 1997 Order On Remand in Docket Nos. RM91–11–006 and RM87–34–072, to reflect a five year cap on the contract term for purposes of evaluating right-of-first refusal bids.

Panhandle states that copies of this filing are being served on all affected customers and applicable state regulatory agencies.

Any person desiring to be heard or to protest this filing should file a motion to intervene or protest with the Federal Energy Regulatory Commission, 888 First Street, N.E., Washington, DC 20426, in accordance with Sections 385.214 and 385.211 of the Commission's Rules and Regulations. All such motions or protests must be filed as provided in Section 154.210 of the Commission's Regulations. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a motion to intervene. Copies of this filing are on file with the Commission and are available for public inspection in the Public Reference Room.

Lois D. Cashell,

Secretary.

[FR Doc. 97–23557 Filed 9–4–97; 8:45 am]

BILLING CODE 6717–01–M

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket No. RP97–177–005]

Steuben Gas Storage Company; Notice of Compliance Filing

August 29, 1997.

Take notice that on August 26, 1997, Steuben Gas Storage Company (Steuben) tendered for filing as part of its FERC Gas Tariff, Original Volume No. 1, Substitute Second Revised Sheet No. 5, and Substitute First Revised Sheet No. 126, to be effective June 1, 1997.

Steuben states that the attached tariff sheets are being filed in compliance with the Commission's Order issued on August 15, 1997 in the above Captioned docket.

Steuben states that copies of the filing were served upon the company's Jurisdictional customers.

Any person desiring to protest said filing should file a protest with the Federal Energy Regulatory Commission, 888 First Street, N.E., Washington, D.C. 20426, in accordance with Section 154.210 of the Commission's Regulations. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make any protestants parties to the proceeding. Copies of this filing are on file with the Commission

and are available for public inspection in the Public Reference Room.

Lois D. Cashell,

Secretary.

[FR Doc. 97–23546 Filed 9–4–97; 8:45 am]

BILLING CODE 6717–01–M

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket No. RP97–477–000]

Steuben Gas Storage Company; Notice of Proposed Changes in FERC Gas Tariff

August 29, 1997.

Take notice that on August 26, 1997, Steuben Gas Storage Company (Steuben) tendered for filing as part of its FERC Gas Tariff, Original Volume No. 1, Second Revised Sheet No. 148, to be effective October 1, 1997.

Steuben states that the attached tariff sheet is being filed in compliance with the Commission's Order No. 636–C issued on February 27, 1997, at Docket Nos. RM91–11–006 and RM87–34–072. The tariff sheet incorporates the new right-of-first-refusal contract term cap. Steuben also states since Order No. 636–C currently is pending rehearing at the Commission, Steuben reserves its right to change its right-of-first-refusal tariff provision to a contract term cap longer than five (5) years should Order No. 636–C be revised on rehearing, or as a result of any subsequent action by the courts.

Steuben states that copies of the filing were served upon the company's Jurisdictional customers.

Any person desiring to be heard or to protest said filing should file a motion to intervene or protest with the Federal Energy Regulatory Commission, 888 First Street, N.E., Washington, D.C. 20426, in accordance with Sections 385.214 and 385.211 of the Commission's Rules and Regulations. All such motions or protests must be filed in accordance with Section 154.210 of the Commission's Regulations. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a motion to intervene. Copies of this filing are on file with the Commission and are available for public inspection in the Public Reference Room.

Lois D. Cashell,

Secretary.

[FR Doc. 97–23554 Filed 9–4–97; 8:45 am]

BILLING CODE 6717–01–M

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket No. TM97–12–29–000]

Transcontinental Gas Pipe Line Corporation; Notice of Proposed Changes in FERC Gas Tariff

August 29, 1997.

Take notice that on August 26, 1997 Transcontinental Gas Pipe Line Corporation (Transco) tendered for filing to become part of its FERC Gas Tariff, Third Revised Volume No. 1, Eighth Revised Sheet No. 28, to be effective August 1, 1997.

Transco states that the purpose of the instant filing is to track rate changes attributable to storage service purchased from Texas Eastern Transmission Corporation (TETCO) the costs of which are included in the rates and charges payable under Transco's Rate Schedule S–2. The tracking filing is being made pursuant to Section 26 of the General Terms and Conditions of Transco's Volume No. 1 Tariff.

Transco states that included in Appendix B attached to the filing is the explanation of the rate changes and details regarding the computation of the revised Rate Schedule S–2 rates.

Transco states that copies of the filing are being mailed to each of its S–2 customers and interested State Commissions.

Any person desiring to be heard or to protest said filing should file a motion to intervene or protest with the Federal Energy Regulatory Commission, 888 First Street, Washington, DC, 20426, in accordance with Sections 385.214 and 385.211 of the Commission's Rules and Regulations. All such motions or protests must be filed as provided in Section 154.210 of the Commission's Regulations. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a motion to intervene. Copies of this filing are on file with the Commission and are available for public inspection in the Public Reference Room.

Lois D. Cashell,

Secretary.

[FR Doc. 97–23559 Filed 9–4–97; 8:45 am]

BILLING CODE 6717–01–M

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket No. ER94–1691–015, et al.]

AIG Trading Corporation, et al.; Electric Rate and Corporate Regulation Filings

August 28, 1997.

Take notice that the following filings have been made with the Commission:

1. AIG Trading Corporation

[Docket No. ER94–1691–015]

Take notice that AIG Trading Corporation, a marketer of electric energy, filed August 22, 1997, a notice of change in status relating to an agreement to sell all of the stock of AIG Trading Corporation to Wine Acquisition Inc.

Comment date: September 11, 1997, in accordance with Standard Paragraph E at the end of this notice.

2. Enron Power Marketing, Inc. v. Mid-Continent Area Power Pool

[Docket No. EL97–53–000]

Take notice that on August 19, 1997, Enron Power Marketing, Inc. (EPMI), filed a complaint and request for relief under Section 206 of the Federal Power Act (FPA), alleging that Mid-Continent Area Power Pool's (MAPP) failed to file an open-access transmission tariff that conforms to the pro forma tariff has resulted in MAPP's charging unjust and unreasonable transmission rates in violation of Section 205 of the FPA and the Commission's transmission pricing policies. EPMI requests that the Commission immediately direct MAPP to (1) file an open-access tariff that conforms to the pro forma tariff, (2) ease charging EPMI third-party compensation charges in addition to charges assessed by MAPP border utilities for moving power into or out of the MAPP region, (3) cease its discriminatory treatment of non-transmission-owning MAPP Members in certain import and export transactions; and (4) require MAPP to release to EPMI the third-party compensation payments made by EPMI under protest and placed into escrow by MAPP.

Comment date: September 29, 1997, in accordance with Standard Paragraph

E at the end of this notice. Answers to the complaint shall be due on or before September 29, 1997.

3. San Diego Gas & Electric Company v. Public Service Company of New Mexico

[Docket No. EL97–54–000]

Take notice that on August 22, 1997, San Diego Gas and Electric Company (SDG&E), tendered for filing a complaint with the Commission against Public Service Company of New Mexico (PNM). In the complaint, SDG&E states that the demand rate charged SDG&E by PNM under a long-term 100-megawatt system power sale is unjust, unreasonable, and unduly discriminatory. SDG&E asks the Commission to initiate a proceeding under Section 206(b) of the Federal Power Act to investigate the rate and establish a refund effective date of October 21, 1997.

Comment date: September 29, 1997, in accordance with Standard Paragraph E at the end of this notice. Answers to the complaint shall be due on or before September 29, 1997.

4. United American Energy Corp.

[Docket No. ER96–3092–003]

Take notice that on July 31, 1997, United American Energy Corp., tendered for filing a Notification of Change in Status.

Comment date: September 11, 1997, in accordance with Standard Paragraph E at the end of this notice.

5. The Cleveland Electric Illuminating Company

[Docket No. ER97–1891–000]

Take notice that on July 28, 1997, The Cleveland Electric Illuminating Company tendered for filing a Certificate of Concurrence of Wisconsin Electric Power Company (WEPCO).

Comment date: September 11, 1997, in accordance with Standard Paragraph E at the end of this notice.

6. Ohio Edison Company and Pennsylvania Power Company

[Docket No. ER97–3736–000]

Take notice that on August 19, 1997, Ohio Edison Company and Pennsylvania Power Company tendered for filing an amendment to their request for approval of a power sales service agreement with The Cincinnati Gas & Electric Company, PSI Energy, Inc., and Cinergy Services, Inc. The amendment requests a change in the proposed effective date June 15, 1997 to June 16, 1997. This filing is made pursuant to Section 205 of the Federal Power Act.

Comment date: September 11, 1997, in accordance with Standard Paragraph E at the end of this notice.

7. Western Resources, Inc.

[Docket No. ER97–4076–000]

Take notice that on August 4, 1997, Western Resources, Inc., tendered for filing a non-firm transmission agreement between Western Resources and Duke Energy Trading & Market Services L.L.C. Western Resources states that the purpose of the agreement is to permit non-discriminatory access to the transmission facilities owned or controlled by Western Resources in accordance with Western Resources' open access transmission tariff on file with the Commission. The agreement is proposed to become effective July 24, 1997.

Copies of the filing were served upon Duke Energy Trading & Market Services L.L.C. and the Kansas Corporation Commission.

Comment date: September 11, 1997, in accordance with Standard Paragraph E at the end of this notice.

8. Cinergy Services, Inc.

[Docket No. ER97–4077–000]

Take notice that on August 4, 1997, Cinergy Services, Inc. (Cinergy), tendered for filing a service agreement under Cinergy's Open Access Transmission Service Tariff (the Tariff) entered into between Cinergy and Valero Power Services Company (Valero).

Cinergy and Valero are requesting an effective date of July 1, 1997.

Comment date: September 11, 1997, in accordance with Standard Paragraph E at the end of this notice.

9. Cinergy Services, Inc.

[Docket No. ER97–4078–000]

Take notice that on August 4, 1997, Cinergy Services, Inc. (Cinergy), tendered for filing a service agreement under Cinergy's Open Access Transmission Service Tariff (the Tariff) entered into between Cinergy and CMS Marketing Services and Trading (CMS).

Cinergy and CMS are requesting an effective date of July 20, 1997.

Comment date: September 11, 1997, in accordance with Standard Paragraph E at the end of this notice.

10. Cinergy Services, Inc.

[Docket No. ER97–4079–000]

Take notice that on August 4, 1997, Cinergy Services, Inc. (Cinergy), tendered for filing a service agreement under Cinergy's Open Access Transmission Service Tariff (the Tariff) entered into between Cinergy and American Electric Power Service Corporation (AEP).

Cinergy and AEP are requesting an effective date of July 15, 1997.

Comment date: September 11, 1997, in accordance with Standard Paragraph E at the end of this notice.

11. Cinergy Services, Inc.

[Docket No. ER97–4080–000]

Take notice that on August 4, 1997, Cinergy Services, Inc. (Cinergy), tendered for filing a service agreement under Cinergy's Open Access Transmission Service Tariff (the Tariff) entered into between Cinergy and Delhi Energy Services, Inc. (Delhi).

Cinergy and Delhi are requesting an effective date of July 15, 1997.

Comment date: September 11, 1997, in accordance with Standard Paragraph E at the end of this notice.

12. Southern Company Services, Inc.

[Docket No. ER97–4081–000]

Take notice that on August 5, 1997, Southern Company Services, Inc. (SCSI), acting on behalf of Alabama Power Company, Georgia Power Company, Gulf Power Company, Mississippi Power Company and Savannah Electric and Power Company (collectively referred to as Southern Companies) filed one (1) service agreement under Southern Companies' Market-Based Rate Power Sales Tariff (FERC Electric Tariff, Original Volume No. 4) with the following entity: The Dayton Power and Light Company. SCSI states that the service agreement will enable Southern Companies to engage in short-term market-based rate transactions with this entity.

Comment date: September 11, 1997, in accordance with Standard Paragraph E at the end of this notice.

13. The Washington Water Power Co.

[Docket No. ER97–4082–000]

Take notice that on August 5, 1997, The Washington Water Power Company (WWP), tendered for filing with the Federal Energy Regulatory Commission a proposed revision to the standard form of a Firm Point-To-Point Transmission Service Agreement under WWP's Open Access Transmission Tariff—FERC Electric Tariff, Volume No. 8.

Comment date: September 11, 1997, in accordance with Standard Paragraph E at the end of this notice.

14. Cinergy Services, Inc.

[Docket No. ER97–4083–000]

Take notice that on August 4, 1997, Cinergy Services, Inc. (Cinergy), tendered for filing on behalf of its operating companies, The Cincinnati Gas & Electric Company (CG&E) and PSI Energy, Inc. (PSI), an Interchange Agreement, dated July 1, 1997 between Cinergy, CG&E, PSI and NP Energy, Inc. (NPE).

The Interchange Agreement provides for the following service between Cinergy and NPE:

1. Exhibit A—Power Sales by NPE
2. Exhibit B—Power Sales by Cinergy

Cinergy and NPE have requested an effective date of one day after this initial filing of the Interchange Agreement.

Copies of the filing were served on NP Energy, Inc., the Kentucky Public Service Commission, the Public Utilities Commission and the Indiana Utility Regulatory Commission.

Comment date: September 11, 1997, in accordance with Standard Paragraph E at the end of this notice.

15. Old Dominion Electric Cooperative

[Docket No. ER97–4085–000]

Take notice that on August 5, 1997, Old Dominion Electric Cooperative (Old Dominion), filed to make certain changes to its rate schedule as accepted for filing by this Commission. The proposed changes are necessary to reflect (1) the termination of an agreement between Bear Island Paper Company, L.P., and Old Dominion Electric Cooperative; (2) the acceptance of a new agreement between the aforementioned parties; and (3) the formula rate that will be effective with the approval of this submission. Old Dominion has also requested a waiver of the notice provisions and has proposed an effective date of January 1, 1997.

Copies of this filing have been provided to each of the twelve Old Dominion Member distribution cooperative, Bear Island Paper Company, and the Virginia State Corporation Commission.

Comment date: September 11, 1997, in accordance with Standard Paragraph E at the end of this notice.

16. Western Resources, Inc.

[Docket No. ER97–4086–000]

Take notice that on August 5, 1997, Western Resources, Inc., tendered for filing a non-firm transmission agreement between Western Resources and Tenaska Power Services Company. Western Resources states that the purpose of the agreement is to permit non-discriminatory access to the transmission facilities owned or controlled by Western Resources in accordance with Western Resources' open access transmission tariff on file with the Commission. The agreement is proposed to become effective July 25, 1997.

Copies of the filing were served upon Tenaska Power Services Company and the Kansas Corporation Commission.

Comment date: September 11, 1997, in accordance with Standard Paragraph E at the end of this notice.

17. MidAmerican Energy Company

[Docket No. ER97–4087–000]

Take notice that on August 5, 1997, MidAmerican Energy Company (MidAmerican), 666 Grand Avenue, Des Moines, Iowa 50309, submitted for filing three Non-Firm Transmission Service Agreements with PacifiCorp, Wisconsin Power and Light Company (WPL) and Kansas City Power and Light Company (KCPL), each entered into pursuant to MidAmerican's Open Access Transmission Tariff.

MidAmerican requests an effective date of July 23, 1997 for the Agreements with PacifiCorp and WPL, and July 25, 1997 for the Agreement with KCPL, and accordingly seeks a waiver of the Commission's notice requirement. MidAmerican has served a copy of the filing on PacifiCorp, WPL, KCPL, the Iowa Utilities Board, the Illinois Commerce Commission and the South Dakota Public Utilities Commission.

Comment date: September 11, 1997, in accordance with Standard Paragraph E at the end of this notice.

18. New York State Electric & Gas Corporation

[Docket No. ER97–4088–000]

Take notice that on August 5, 1997, New York State Electric & Gas Corporation (NYSEG), tendered for filing pursuant to Part 35 of the Federal Energy Regulatory Commission's Rules of Practice and Procedure, 18 CFR 35, service agreements under which NYSEG may provide capacity and/or energy to Coral Power, L.L.C. (Coral), Dayton Power & Light Company (Dayton), and NP Energy Inc. (NP) (collectively, the Purchasers) in accordance with NYSEG's FERC Electric Tariff, Original Volume No. 1.

NYSEG has requested waiver of the notice requirements so that the service agreements with Dayton and NP become effective as of August 6, 1997 and the service agreement with Coral becomes effective as of July 24, 1997.

NYSEG served copies of the filing upon the New York State Public Service Commission, Coral, Dayton, and NP.

Comment date: September 11, 1997, in accordance with Standard Paragraph E at the end of this notice.

19. Maine Public Service Company

[Docket No. ER97–4089–000]

Take notice that on August 5, 1997, Maine Public Service Company (Maine Public) filed an executed Service Agreement with Northeast Energy Services Inc.

Comment date: September 11, 1997, in accordance with Standard Paragraph E at the end of this notice.

20. Public Service Electric & Gas Company

[Docket No. ER97–4090–000]

Take notice that on August 5, 1997, Public Service Electric & Gas Company, tendered for filing Transaction Summary of its activity for the second quarter of 1997, under its Market Based Rate Tariff, Original Volume No. 6.

Comment date: September 11, 1997, in accordance with Standard Paragraph E at the end of this notice.

21. The Detroit Edison Company

[Docket No. ER97–4091–000]

Take notice that on August 5, 1997, The Detroit Edison Company (Detroit Edison), tendered for filing a Service Agreement for Non-Firm Point-to-Point Transmission Service between Detroit Edison Transmission Operations and American Electric Power Service Corp., under the Joint Open Access Transmission Tariff of Consumers Energy Company and Detroit Edison, FERC Electric Tariff No. 1, dated as of July 11, 1997. Detroit Edison requests that the Service Agreement be made effective as of July 11, 1997.

Comment date: September 11, 1997, in accordance with Standard Paragraph E at the end of this notice.

22. The Detroit Edison Company

[Docket No. ER97–4092–000]

Take notice that on August 5, 1997, The Detroit Edison Company (Detroit Edison), tendered for filing a Service Agreement for Non-Firm Point-to-Point Transmission Service between Detroit Edison Transmission Operations and Northern Indiana Public Service Company under the Joint Open Access Transmission Tariff of Consumers Energy Company and Detroit Edison, FERC Electric Tariff No. 1, dated as of July 11, 1997. Detroit Edison requests that the Service Agreement be made effective as of July 11, 1997.

Comment date: September 11, 1997, in accordance with Standard Paragraph E at the end of this notice.

23. The Detroit Edison Company

[Docket No. ER97–4093–000]

Take notice that on August 5, 1997, The Detroit Edison Company (Detroit Edison), tendered for filing a Service Agreement for Non-Firm Point-to-Point Transmission Service between Detroit Edison Transmission Operations and PECO Energy Company—Power Team under the Joint Open Access Transmission Tariff of Consumers Energy Company and Detroit Edison, FERC Electric Tariff No. 1, dated as of July 11, 1997. Detroit Edison requests

that the Service Agreement be made effective as of July 11, 1997.

Comment date: September 11, 1997, in accordance with Standard Paragraph E at the end of this notice.

24. The Detroit Edison Company

[Docket No. ER97–4094–000]

Take notice that on August 5, 1997, The Detroit Edison Company (Detroit Edison), tendered for filing a Service Agreement for Non-Firm Point-to-Point Transmission Service between Detroit Edison Transmission Operations and Louisville Gas and Electric Company under the Joint Open Access Transmission Tariff of Consumers Energy Company and Detroit Edison, FERC Electric Tariff No. 1, dated as of July 11, 1997. Detroit Edison requests that the Service Agreement be made effective as of July 11, 1997.

Comment date: September 11, 1997, in accordance with Standard Paragraph E at the end of this notice.

25. The Detroit Edison Company

[Docket No. ER97–4095–000]

Take notice that on August 5, 1997, The Detroit Edison Company (Detroit Edison), tendered for filing a Service Agreement for wholesale power sales transactions (the Service Agreement) under Detroit Edison's Wholesale Power Sales Tariff (WPS–2), FERC Electric Tariff No. 3 (the WPS–2 Tariff), between Detroit Edison and Duke Power, a division of Duke Energy Corporation, dated as of July 21, 1997. Detroit Edison requests that the Service Agreement be made effective as of July 21, 1997.

Comment date: September 11, 1997, in accordance with Standard Paragraph E at the end of this notice.

26. Florida Keys Electric Coop. Association, Inc.

[Docket No. ES97–45–000]

Take notice that on August 21, 1997, Florida Keys Electric Cooperative Association, Inc., tendered for filing a request for waiver of application requirements under Section 204 of the Federal Power Act.

Comment date: September 22, 1997, in accordance with Standard Paragraph E at the end of this notice.

27. Hoosier Energy Rural Electric Cooperative

[Docket No. NJ97–5–000]

Take notice that on August 22, 1997, Hoosier Energy Rural Electric Cooperative tendered for filing a request for temporary waiver.

Comment date: September 11, 1997, in accordance with Standard Paragraph E at the end of this notice.

Standard Paragraph

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, 888 First Street, N.E., Washington, D.C. 20426, in accordance with Rules 211 and 214 of the Commission's Rules of Practice and Procedure (18 CFR 385.211 and 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. 97–23595 Filed 9–4–97; 8:45 am]

BILLING CODE 6717–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

Notice of Draft License Application and Preliminary Draft Environmental Assessment (PDEA)

August 29, 1997.

Take notice that the following hydroelectric application has been filed with the Commission and is available for public inspection:

a. *Type of Application:* Major Unconstructed Project.

b. *Project No.:* 11480–000.

c. *Applicant:* Haida Corporation.

d. *Name of Project:* Reynolds Creek Hydroelectric Project.

e. *Location:* On the southwest side of Prince of Wales Island in southeast Alaska approximately 10 air miles east of Hydaburg, Alaska.

f. *Applicant Contact:* Mr. John Bruns, Haida Corporation, P.O. Box 89, Hydaburg, AK 99922, (907) 285–3721.

Send Comments to: Mr. Michael V. Stimac, HDR Engineering, Inc., 500–108th Avenue, NE, Suite 1200, Bellevue, WA 98004–5538, (425) 453–1523.

g. *FERC Contact:* Nan Allen (202) 219–2938.

h. Haida mailed a copy of the PDEA and Draft License Application to interested parties on August 20, 1997.

i. As discussed in the Commission's February 12, 1996, letter to all parties, with this notice we are soliciting preliminary terms, conditions, and recommendations on the PDEA and comments on the draft license application.

j. Haida intends to seek benefits under § 210 of the Public Utility Regulatory Policy Act of 1978 (PURPA), and believes that the project meets the definition under § 292.202(p) of 18 CFR for a new dam or diversion. As such, the U.S. Fish and Wildlife Service, the National Marine Fisheries Service, and the state agency exercising authority over the fish and wildlife resources of the state have mandatory conditioning authority under the procedures provided for at § 30(c) of the Federal Power Act (Act).

k. All comments on the PDEA and draft license application for the Reynolds Creek Project should be sent to the address noted above in item (f) with one copy filed with the Commission at the following address: Federal Energy Regulatory Commission, Office of the Secretary, Dockets - Room 1A, 888 First Street, N.E., Washington, DC 20426.

All comments must bear the heading ''Preliminary Comments'', ''Preliminary Recommendations'', ''Preliminary Terms and Conditions'', or ''Preliminary Prescriptions''. Any party interested in commenting must do so by November 18, 1997.

l. With this notice, we are initiating consultation with the State Historic Preservation Officer (SHPO), as required by § 106, National Historic Preservation Act, and the regulations of the Advisory Council on Historic Preservation, 36 CFR 800.4.

Lois D. Cashell,

Secretary.

[FR Doc. 97–23543 Filed 9–4–97; 8:45 am]

BILLING CODE 6717–01–M

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket No. RM95–9–003]

Open Access Same-Time Information System and Standards of Conduct; Notice of Filing of Revised OASIS Standards and Protocols Document and Request for Comments

August 29, 1997.

On August 12, 1997, the OASIS How Working Group (How Group) filed a revised OASIS Standards and Protocols Document (S&P Document). Before taking any action on the revised S&P Document or on accompanying requests for clarification, we will invite written comments from interested persons.

The How Group states that the revised S&P Document implements

clarifications and revisions to Commission policy that were announced by the Commission in Order Nos. 888–A and 889–A. The How Group also states that the S&P Document includes additional improvements made at the suggestion of transmission users and providers. The How Group proposes a four month schedule for implementing changes to the revised S&P Document after approval by the Comission, with an additional two months provided before those changes are incorporated into commercial operations.

Instructions for Filing Written Comments

Written comments (an original and 14 paper copies and one copy on a computer diskette in Wordperfect 6.1 format or in ASCII format) must be received by the Commission on or before September 29, 1997. Comments must be filed with the Office of the Secretary and must contain a caption that references Docket No. RM95–9–003. All written comments will be placed in the Commission's public files and will be available for inspection or copying in the Commission's Public Reference Room during normal business hours. All comments received on diskette will be made available to the public on the Commission's electronic bulletin board (EBB).

Address: Office of the Secretary, Federal Energy Regulatory Commission, 888 First Street, NE., Washington, DC 20426.

For Further Information Contact:

Marvin Rosenberg (Technical Information), Office of Economic Policy, Federal Energy Regulatory Commission, 888 First Street, NE., Washington, DC 20426, (202) 208–1283

William C. Booth (Technical Information), Office of Electric Power Regulation, Federal Energy Regulatory Commission, 888 First Street, NE., Washington, DC 20426, (202) 208–0849

Gary D. Cohen (Legal Information), Office of the General Counsel, Federal Energy Regulatory Commission, 888 First Street, NE., Washington, DC 20426, (202) 208–0321

Lois D. Cashell,

Secretary.

[FR Doc. 97–23623 Filed 9–4–97; 8:45 am]

BILLING CODE 6717–01–M

ENVIRONMENTAL PROTECTION AGENCY

[ER–FRL–5484–1]

Environmental Impact Statements; Notice of Availability

Responsible Agency: Office of Federal Activities, General Information (202) 564–7167 or (202) 564–7153.

Weekly Receipt of Environmental Impact Statements. Filed August 25, 1997 Through August 29, 1997. Pursuant to 40 CFR 1506.9.

EIS No. 970334, Draft Supplement, FHW, OR, West 11th Avenue-Garfield Street (West Eugene Parkway) Highway Project, Florence-Eugene Highway (OR–126) New Alignment, Comparison of the Originally Approved Design and a New Modified Design, Funding, Lane County, OR, *Due:* October 20, 1997, *Contact:* John H. Gernhauser (503) 399–5749.

EIS No. 970335, Final EIS, NPS, CA, San Francisco Maritime National Historical Park, General Management Plan, Implementation, San Francisco County, CA, *Due:* October 06, 1997, *Contact:* Alan Schmierer (415) 427–1441.

EIS No. 970336, Final EIS, COE, WA, Cedar River Section 205 Flood Damage Reduction Plan, Implementation, Renton, King County, WA, *Due:* October 06, 1997, *Contact:* Merri Martz (206) 764–3624.

EIS No. 970337, Final EIS, BLM, WY, Gillette South Coal Bed Methane Project, Approval of an Application for a Permit to Drill (APD), Powder River Basin, Buffalo Resource Area, Campbell County, WY, *Due:* October 06, 1997, *Contact:* Richard Zander (307) 684–1161.

EIS No. 970338, Final EIS, NPS, VA, Shenandoah National Park, Facility Development Plan, Implementation, Albemarle, Augusta, Greene, Madison, Page, Rappahannock, Rockingham and Warren Counties, VA, *Due:* October 06, 1997, *Contact:* Vaughn Baker (703) 999–3400.

EIS No. 970339, Draft Supplement, FHW, IA, artin Luther King (MKL) Parkway (formerly referred to as the CBD Loop Arterial) Highway Construction, MKL Jr. Parkway with I–235 to US 65/69 at Scott Avenue, New Information concerning Significant Changes to the Original Alignment since the FEIS, Funding and US Army COE Section 404 Permit, Des Moines, Polk County, IA, *Due:* October 20, 1997, *Contact:* Robert L. Lee (515) 233–7300.

EIS No. 970340, Draft EIS, AFS, CO, Sheep Flats Diversity Unit, Timber Sales and Related Road Construction, Grand Mesa, Uncompahgre and Gunnison National Forests, Collbran Ranger District, Mesa County, CO, *Due:* October 20, 1997, *Contact:* Pam Bode (970) 641–0471.

EIS No. 970341, Draft EIS, AFS, CA, San Juan Fuels and Wildlife Project, Implementation, Tahoe National Forest, Nevada City Ranger District, Nevada County, CA, *Due:* October 20, 1997, *Contact:* Howard Carlson (916) 265–4531.

EIS No. 970342, Draft EIS, AFS, CO, South Quartzite Timber Sale, Timber Harvesting and Road Construction, White River National Forest, Rifle Ranger District, Grizzly Creek Rare II Area, Garfield County, CO, *Due:* October 20, 1997, *Contact:* David Van Norman (970) 827–5715.

EIS No. 970343, Final EIS, FHW, NC, US 117, Corridor Improvement Project, US 13/70 at Goldsboro, north to US 301 in Wilson, Funding and Section 404 Permit, Wayne and Wilson Counties, NC, *Due:* October 06, 1997, *Contact:* Nicholas L. Graf, P.E. (919) 856–4346.

EIS No. 970344, Final Supplement, AFS, CO, Vail Ski Area Category III Development Plan, Additional Information Concerning an Analysis of the Significance of Adopting Forest Plan Amendments, Implementation, Special-Use-Permit and COE Section 404 Permit Issuance, White River National Forest, Holly Cross Ranger District, Rocky Mountain Region, Eagle County, CO, *Due:* October 06, 1997, *Contact:* Loren M. Kroenke (970) 827–5715.

EIS No. 970345, Draft EIS, GSA, WA, Seattle New Federal Courthouse, Construction, King County, WA, *Due:* October 20, 1997, *Contact:* John Bland (206) 931–7165.

EIS No. 970346, Final EIS, FHW, AR, US 71 Relocation, Construction extending from US 70 in DeQueen to I–40 near Alma, AR, Funding and COE Section 404 Permit, Sevier, Polk, Scott, Sebastian and Crawford Counties, AR, *Due:* October 06, 1997, *Contact:* Carl Kraehmer (501) 324–6430.

EIS No. 970347, Final EIS, FHW, CA, Benicia-Martinez Bridge System Project, Construction/Reconstruction, Portions of I–680, I–780 and I–80 Corridors, Funding, U.S. CGD Bridge Permit and COE Section 10 and 404 Permits, Contra Costa and Solano Counties, CA, *Due:* October 06, 1997, *Contact:* John Schultz (916) 498–5041.

EIS No. 970348, Draft EIS, NOA, GA, State of Georgia Coastal Management Program, Comprehensive Coastal Land and Water Use Activities,

Approval and Implementation, GA, *Due:* October 20, 1997, *Contact:* Joshua Lott Ext. 178 (301) 713–3117.
EIS No. 970349, Final EIS, UAF, OH, Wright-Patterson Air Force Base (WPAFB) Demolition of Multiple Historic Facilities, Implementation, Greene, Montgomery and Clark Counties, OH, *Due:* October 06, 1997, *Contact:* Thomas J. Perdue (937) 257–5535.

Amended Notices

EIS No. 970286, Draft EIS, USA, MD, PA, Fort Ritchie Disposal and Reuse for BRAC of 638 Acres, Implementation, Frederick and Washington Counties, MD and Adams and Franklin Counties, PA, *Due:* September 26, 1997, *Contact:* Clifford Kidd (410) 962–3100. Published FR 08–01–97—Review Period Extended.
EIS No. 970305, Final EIS, AFS, ID, White Pine Creek Timber Sale, Implementation, Clearwater National Forest, Palouse Ranger District, Benewah and Latah Counties, ID, *Due:* September 25, 1997, *Contact:* Suzanne Lay (208) 875–1131. Published FR 08–15–97—Review Period Extended and Title Change.
EIS No. 970311, Final EIS, FTA, NY, Wassaic Extension Project, Expand Metro-North, Funding and Right-of-Way, Dutchess and Litchfield Counties, NY, *Due:* September 19, 1997, *Contact:* Anthony G. Carr (212) 264–8973. Published FR 08–15–97—Review Period extended.

Dated: September 2, 1997.

William D. Dickerson,

Director, NEPA Compliance Division, Office of Federal Activities.

[FR Doc. 97–23625 Filed 9–4–97; 8:45 am]

BILLING CODE 6560–50–P

ENVIRONMENTAL PROTECTION AGENCY

[ER–FRL–5484–2]

Environmental Impact Statements and Regulations; Availability of EPA Comments

Availability of EPA comments prepared August 4, 1997 through August 8, 1997 pursuant to the Environmental Review Process (ERP), under Section 309 of the Clean Air Act and Section 102(2)(c) of the National Environmental Policy Act as amended. Requests for copies of EPA comments can be directed to the Office of Federal Activities at (202) 564–7167.

An explanation of the ratings assigned to draft environmental impact statements (EISs) was published in FR dated April 04, 1997 (62 FR 16154).

Draft EISs

ERP No. D–FHW–G40145–00 Rating LO, US 71 Highway Improvement Project, between Texarkana, (US71) Arkansas and DeQueen, Funding, Right-of-Way Approval and COE Section 404 Permit, Little River, Miller and Sevier Counties, AR and Bowie County, TX.

Summary: EPA had no objections to the conceptual relocation project. For the most part, EPA finds the DEIS to be comprehensive, thorough, and to adequately address the impacts associated with the alternative considered. The preferred action must be identified with appropriate mitigation in the Final Statement.

ERP No. D–FTA–K40223–CA Rating LO, Mission Valley East Corridor Transit Improvement Project, between I–15 in Mission Valley and the East County community of La Mesa, Funding, COE Section 404 Permit, Metropolitan Transit Development Board (MTDB) and Light Rail Transit (LRT), San Diego County, CA.

Summary: EPA lacked objections to the FTA's proposed Mission Valley East Transit Improvement project.

Final EISs

ERP No. F–FHW–E40345–NC, NC–16, Upgrading and Relocating Project, Construction, Lucia to North of NC–150, Funding, COE Section 404 Permit and NPDES Permit, Gaston, Lincoln and Catawba Counties, NC.

Summary: EPA generally concurred with the corridor selected, but continues to question providing greater highway capacity in a water supply watershed.

ERP No. F–FHW–G40140–TX, Grand Parkway Segment (TX–99) Improvements Project, from TX–225 to I–10, Funding, COE Section 404 Permit and Right-of-Way Grant, Harris and Chambers Counties, TX.

Summary: the Final EIS has adequately responded to EPA's comments offered on the DEIS and therefore EPA has no objection to the selection of the preferred alternative as now described in the Final EIS.

Dated: September 2, 1997.

William D. Dickerson,

Director, NEPA Compliance Division Office of Federal Activities.

[FR Doc. 97–23626 Filed 9–4–97; 8:45 am]

BILLING CODE 6560–50–P

ENVIRONMENTAL PROTECTION AGENCY

[FRL–5889–8]

Effluent Guidelines Task Force Open Meeting

AGENCY: Environmental Protection Agency.

ACTION: Notice of meeting.

SUMMARY: The Effluent Guidelines Task Force, an EPA advisory committee, will hold a meeting to discuss the Agency's Effluent Guidelines Program. The meeting is open to the public.

DATES: The meeting will be held on Wednesday, September 10, 1997 from 9 a.m. to 5 p.m., and Thursday, September 11, 1997 from 8:30 a.m. to 3 p.m.

ADDRESSES: The meeting will take place at the Madison Hotel, 15th & M Streets, NW, Washington, DC.

FOR FURTHER INFORMATION CONTACT: Beverly Randolph, Office of Water (4303), 401 M Street, SW., Washington, DC 20460; telephone (202) 260–5373; fax (202) 260–7185.

SUPPLEMENTARY INFORMATION: Pursuant to the Federal Advisory Committee Act (Pub. L. 92–463), the Environmental Protection Agency gives notice of a meeting of the Effluent Guidelines Task Force (EGTF). The EGTF is a subcommittee of the National Advisory Council for Environmental Policy and Technology (NACEPT), the external policy advisory board to the Administrator of EPA.

The EGTF was established in July of 1992 to advise EPA on the Effluent Guidelines Program, which develops regulations for dischargers of industrial wastewater pursuant to Title III of the Clean Water Act (33 U.S.C. 1251 et seq.). The Task Force consists of members appointed by EPA from industry, citizen groups, state and local government, the academic and scientific communities, and EPA regional offices. The Task Force was created to offer advice to the Administrator on the long-term strategy for the effluent guidelines program, and particularly to provide recommendations on a process for expediting the promulgation of effluent guidelines. The Task Force generally does not discuss specific effluent guideline regulations currently under development.

The meeting is open to the public, and limited seating for the public is available on a first-come, first-served basis. The public may submit written comments to the Task Force regarding improvements to the Effluent Guidelines program. Comments should be sent to Beverly Randolph at the

above address. Comments submitted by September 8, 1997 will be considered by the Task Force at or subsequent to the meeting.

Dated: September 3,1997.

Tudor T. Davies,

Director, Office of Science and Technology.

[FR Doc. 97–23737 Filed 9–4–97; 8:45 am]

BILLING CODE 6560–50–M

ENVIRONMENTAL PROTECTION AGENCY

[OPP–00500; FRL–5741–7]

Miller Reporting Company, Inc.; Transfer of Data

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice.

SUMMARY: This is a notice to certain persons who have submitted information to EPA in connection with pesticide information requirements imposed under the Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA) and the Federal Food, Drug, and Cosmetic Act (FFDCA). Miller Reporting Company, Inc. (MRC) has been awarded a contract to perform work for the EPA Office of Administrative Law Judges and Office of Pesticide Programs, and will be provided access to certain information submitted to EPA under FIFRA and FFDCA. Some of this information may have been claimed to be confidential business information (CBI) by submitters. This information will be transferred to MRC consistent with the requirements of 40 CFR 2.307(h)(3) and 40 CFR 2.308(i)(2), and will enable MRC to fulfill the obligations of the contract.

DATES: MRC will be given access to this information no sooner than September 10, 1997.

FOR FURTHER INFORMATION CONTACT: By mail: BeWanda Alexander, Information Resources and Services Division (7502C), Office of Pesticide Programs, Environmental Protection Agency, 401 M St., SW., Washington, DC 20460. Office location, telephone number, and e-mail address: Rm. 700N, Crystal Mall #2, 1921 Jefferson Davis Highway, Arlington, VA, (703) 305–5259, e-mail: alexander.bewanda@epamail.epa.gov.

SUPPLEMENTARY INFORMATION: Under Contract No. 7W–4428–NASA, MRC will provide stenographic support services to EPA's Office of Administrative Law Judges required to cover the hearing in regards to E.I. duPont de Nemours & Co., Inc., Docket No. FIFRA 95-H-02. This contract involves no subcontractors.

The Office of Administrative Law Judges and Office of Pesticide Programs have jointly determined that the contract herein involves work that is being conducted in connection with FIFRA, in that pesticide chemicals will be the subject of certain evaluations to be made under this contract. These evaluations may be used in subsequent regulatory decisions under FIFRA. Some of this information may be entitled to confidential treatment. The information has been submitted to EPA under sections 3, 4, 6, and 7 of FIFRA and under sections 408 and 409 of FFDCA.

In accordance with the requirements of 40 CFR 2.307(h)(3), the contract with MRC prohibits use of the information for any purpose not specified in the contract; prohibits disclosure of the information to a third party without prior written approval from the Agency; and requires that each official and employee of the contractor sign an agreement to protect the information from unauthorized release and to handle it in accordance with the FIFRA Information Security Manual. In addition, MRC is required to submit for EPA approval a security plan under which any CBI will be secured and protected against unauthorized release or compromise. No information will be provided to this contractor until the above requirements have been fully satisfied. Records of information provided to this contractor will be maintained by the Project Officer for this contract in the EPA Office of Administrative Law Judges. All information supplied to MRC by EPA for use in connection with this contract will be returned to EPA when MRC has completed its work.

Dated: August 22, 1997.

Daniel M. Barolo,

Director, Office of Pesticide Programs.

[FR Doc. 97–23627 Filed 9-4-97; 8:45 am]

BILLING CODE 6560–50–F

ENVIRONMENTAL PROTECTION AGENCY

[FRL–5888–1]

Privacy Act of 1974; Republication of Existing Systems of Records

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice of republication of existing systems of records.

SUMMARY: Under the Privacy Act of 1974, as amended, 5 U.S.C. 552a, EPA previously published notices for two systems of records maintained by EPA's Office of Inspector General (OIG): the EPA–4 system of records called ''OIG Criminal Investigative Index and Files—EPA/OIG'' and the EPA–5 system of records called ''OIG Personnel Security Files— EPA/OIG.'' The most recent notice for these systems of records was published in the **Federal Register** at 58 FR 29821 (May 24, 1993). Under 5 U.S.C. 552a(e)(4), EPA is revising the EPA–4 system notice to add three new routine uses and to update information about the categories of individuals covered by the system, the categories of records in the system, the authority for maintenance of the system, the way records are retrieved from the system, the record source categories, the system location, and the system manager's address. EPA is revising the EPA–5 system notice to add one new routine use and to update information about the categories of records in the system, the authority for maintenance of the system, the system location, and the system manager's address.

DATES: This notice will be effective without further notice on October 15, 1997, unless EPA receives written comments that would result in a contrary determination.

ADDRESSES: Interested persons may submit written comments to John C. Jones, Assistant Inspector General for Management, Office of Inspector General (2441), Environmental Protection Agency, 401 M Street, SW., Washington, DC 20460.

FOR FURTHER INFORMATION CONTACT: John C. Jones, (202) 260–4912.

SUPPLEMENTARY INFORMATION: For the EPA–4 system of records, EPA is revising the notice to add three new routine uses: Routine use ''u'' allows the disclosure of records to officers and employees of other Federal agencies for the purpose of conducting quality assessments of the investigative operations of the OIG; routine use ''v'' allows the disclosure of records to the public when the matter has become public knowledge, or when the Inspector General determines that such disclosure is necessary to preserve confidence in the integrity of the OIG investigative process or is necessary to demonstrate the accountability of EPA officers, employees, or individuals covered by this system, unless it is determined that disclosure of the specific information in the context of a particular case would constitute an unwarranted invasion of personal privacy; and routine use ''w'' allows the disclosure of records to the news media and public when there exists a legitimate public interest (e.g., to provide information on events in the criminal process, such as indictments),

or when necessary for protection from imminent threat to life or property.

In addition, EPA is revising the notice to show that the categories of individuals covered by the system, the categories of records in the system, and the record source categories include complainants and important witnesses interviewed during OIG investigations, as well as the subjects of OIG investigations. Similarly, EPA is revising the notice to show that records are retrieved by the names of complainants and important witnesses interviewed during OIG investigations, as well as by the names of subjects of OIG investigations. EPA is revising the authority for maintenance of the system to add a reference to the Federal Records Act of 1950, as amended, 44 U.S.C. 3101. Finally, EPA is revising the notice to show the correct mail code of the system location and system manager's address and to make other minor revisions.

For the EPA–5 system of records, EPA is revising the notice to add one new routine use: routine use ''s'' allows the disclosure of records to officers and employees of other Federal agencies for the purpose of conducting quality assessments of the OIG's personnel security and suitability operations. In addition, EPA is revising the notice to describe more fully the categories of records contained in the computerized reference portion of the system. EPA is also revising the authority for maintenance of the system to delete a reference to Executive Order 12356, concerning classified national security information, which was revoked effective October 15, 1995; to add a reference to Executive Order 12958 and Executive Order 12968, concerning classified national security information, which were promulgated on April 17, 1995 and August 2, 1995, respectively; and to add a reference to the Federal Records Act of 1950, as amended, 44 U.S.C. 3101. Finally, EPA is revising the notice to show the correct mail code of the system location and system manager's address and to make other minor revisions.

All these changes are necessary to enable the OIG to carry out its statutory mission of preventing, detecting, and reporting instances of fraud, waste, abuse, and mismanagement in Agency programs and operations.

Dated: August 28, 1997.

Alvin M. Pesachowitz,

Acting Assistant Administrator for Administration and Resources Management and Chief Information Officer.

EPA–4

SYSTEM NAME:

OIG Criminal Investigative Index and Files—EPA/OIG.

SECURITY CLASSIFICATION:

None.

SYSTEM LOCATION:

Assistant Inspector General for Investigations, Office of Inspector General (2431), Environmental Protection Agency, 401 M Street, SW., Washington, DC 20460.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Individuals and entities who are or have been the subjects of OIG investigations (including present and former EPA employees; present and former EPA assistance recipients, consultants, contractors, and subcontractors, and their employees; and other individuals and entities doing business with EPA); individuals and entities who are or have been complainants in OIG investigations; and individuals and entities who are or have been important witnesses interviewed during OIG investigations.

CATEGORIES OF RECORDS IN THE SYSTEM:

a. *Criminal Investigative Index.* Selected information from each investigative file, including the names of the subjects of OIG investigations, and the cities, States, and EPA regions in which the subjects were located; the names of complainants in OIG investigations; and the names of important witnesses interviewed during OIG investigations.

b. *Hard Copy Files.* All information relating to investigations, including the information contained in the criminal investigative index; information provided by Federal, State, local, and foreign investigatory or law enforcement agencies, and other government agencies; information provided by the complainants in OIG investigations; information provided by the subjects of OIG investigations; information provided by individuals with whom the subjects are or were associated (e.g., colleagues, business associates, acquaintances, or relatives); information provided by witnesses and confidential sources; information from public source materials; correspondence; investigative notes and summaries; the investigative report; and information relating to criminal prosecutions, civil proceedings, and administrative actions taken with respect to the subjects. While the case is open, the file also contains investigative notes and summaries of telephone calls, which are destroyed when the case is closed.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

Inspector General Act of 1978, as amended, 5 U.S.C. app.; 5 U.S.C. 301; and the Federal Records Act of 1950, as amended, 44 U.S.C. 3101.

PURPOSE(S):

The records contained in the systems are used by the OIG in furtherance of the responsibilities of the Inspector General under the Inspector General Act of 1978, as amended, to conduct and supervise investigations relating to programs and operations of the EPA; to promote economy, efficiency, and effectiveness in the administration of such programs and operations; and to prevent and detect fraud and abuse in such programs and operations. The records are used in investigating individuals and entities suspected of having committed illegal or unethical acts. The records are used in criminal prosecutions, civil proceedings, and administrative actions, including procurement and nonprocurement debarment and suspension proceedings, taken as a result of the findings of the investigation. The records are also used in conducting investigations of employees, consultants, contractors, subcontractors, and applicants in connection with personnel security determinations.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

A record from the system of records may be disclosed, as a routine use:

a. To any source, private or public, to the extent necessary to secure from such source information relevant to a legitimate EPA investigation, audit, or other inquiry.

b. To the appropriate Federal, State, local, foreign, or international agency, if the record indicates, either by itself or in combination with other information, a violation or potential violation of law, whether criminal, civil, or regulatory in nature, and whether arising by general statute or particular program statute, or by rule, regulation, or order issued pursuant thereto, when that agency is charged with the responsibility of investigating or prosecuting a violation, or of enforcing or implementing the statute, or rule, regulation, or order issued pursuant thereto.

c. To a Federal agency responsible for considering debarment or suspension

action if the record would be relevant to such action.

d. To a Federal, State, local, foreign, or international agency, or other public authority or professional organization, maintaining civil, criminal, or other relevant enforcement records or other pertinent records, such as current licenses, in order to obtain information relevant to an EPA investigation, audit, or other inquiry, or relevant to an EPA decision concerning the hiring or retention of an employee or other personnel action, the issuance of a security clearance, the letting of a contract, the issuance of a license, grant, or other benefit, the establishment of a claim, or the initiation of criminal, civil, or administrative action.

e. To a Federal, State, local, foreign, or international agency, in response to its request, in connection with the assignment, hiring, or retention of an individual, the issuance of a security clearance, the reporting of an investigation of an individual, the letting of a contract, or the issuance of a license, grant, or other benefit by the requesting agency, to the extent that the information is relevant and necessary to the requesting agency's decision on the matter.

f. In a proceeding before a court, other adjudicative body or grand jury, or in an administrative or regulatory proceeding, to the extent that each disclosure is compatible with the purpose for which the record was collected and is relevant and necessary to the proceeding in which one of the following is a party or has an interest: (1) EPA or any of its components, (2) an EPA employee in his or her official capacity, (3) an EPA employee in his or her individual capacity when the Department of Justice is representing or considering representation of the employee, or (4) the United States when EPA determines that the litigation is likely to affect EPA. Such disclosures include, but are not limited to, those made in the course of presenting evidence, conducting settlement negotiations, and responding to subpoenas and requests for discovery.

g. To a Member of Congress who submits an inquiry on behalf of an individual, when the individual to whom the record pertains has authorized the Member of Congress in writing to have access to the record. In such cases, the Member of Congress has no more right to the record than does the individual who requested it.

h. To the Department of Justice for the purpose of obtaining its advice on Freedom of Information Act matters.

i. To the Office of Management and Budget for the purpose of obtaining its advice regarding EPA obligations under the Privacy Act of 1974, as amended, 5 U.S.C. 552a, or in connection with the review of legislation.

j. In response to a subpoena issued by a Federal agency having the power to subpoena records of other Federal agencies.

k. To the Department of Justice to the extent that each disclosure is compatible with the purpose for which the record was collected and is relevant and necessary to litigation or anticipated litigation in which one of the following is a party or has an interest: (1) EPA or any of its components, (2) an EPA employee in his or her official capacity, (3) an EPA employee in his or her individual capacity when the Department of Justice is representing or considering representation of the employee, or (4) the United States when EPA determines that the litigation is likely to affect EPA.

l. To the Department of the Treasury and the Department of Justice when EPA is seeking an ex parte court order to obtain taxpayer information from the Internal Revenue Service.

m. To debt collection contractors for the purpose of collecting delinquent debts as authorized by law.

n. To a ''consumer reporting agency,'' as that term is defined in the Fair Credit Reporting Act (15 U.S.C. 1681a(f)) or the Federal Claims Collection Act of 1966 (31 U.S.C. 3701(a)(3)), for the purpose of obtaining information in the course of an investigation.

o. To EPA contractors, assistance recipients, or volunteers who have been engaged to assist EPA in the performance of a contract, grant, cooperative agreement, or other activity related to this system of records and who need to have access to the records in order to perform the activity. Recipients shall be required to comply with the requirements of the Privacy Act of 1974, as amended, 5 U.S.C. 552a.

p. To representatives of the General Services Administration and the National Archives and Records Administration who are conducting records management inspections under the authority of 44 U.S.C. 2904 and 2906.

q. To a Federal, State, local, foreign, or international agency, or other public authority, for use in a computer matching program, as that term is defined in 5 U.S.C. 552a(a)(8). Each disclosure shall be made in accordance with the requirements of the Privacy Act of 1974, as amended, 5 U.S.C. 552a, the Office of Management and Budget (OMB) Computer Matching Guidelines published on June 19, 1989 (54 FR 25818), and OMB Bulletin No. 89–22 published on September 20, 1989, or any superseding guidance.

r. To a public or professional licensing organization if the record indicates, either by itself or in combination with other information, a violation or potential violation of professional standards, or reflects on the moral, educational, or professional qualifications of an individual who is licensed or who is seeking to become licensed.

s. To an entity or person, public or private, when disclosure of the record is needed to enable the recipient of the record to take action to recover money or property of the EPA, when such recovery will accrue to the benefit of the United States, or when disclosure of the record is needed to enable the recipient of the record to take appropriate disciplinary action to maintain the integrity of EPA programs or operations.

t. To the Office of Government Ethics (OGE) to comply with agency reporting requirements established by OGE in 5 CFR part 2638, subpart F.

u. To officers and employees of other Federal agencies for the purpose of conducting quality assessments of the investigative operations of the OIG.

v. To the public when the matter under investigation has become public knowledge, or when the Inspector General determines that such disclosure is necessary to preserve confidence in the integrity of the OIG investigative process or is necessary to demonstrate the accountability of EPA officers, employees, or individuals covered by this system, unless it is determined that disclosure of the specific information in the context of a particular case would constitute an unwarranted invasion of personal privacy.

w. To the news media and public when there exists a legitimate public interest (e.g., to provide information on events in the criminal process, such as indictments), or when necessary for protection from imminent threat to life or property.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

The criminal investigative index is stored on computer hard disks and tapes. The hard copy files are stored in file folders. All records are stored under secure conditions, which are described in the Safeguards section.

RETRIEVABILITY:

Records in the criminal investigative index are retrieved by the names of the subjects, complainants, and important witnesses interviewed during OIG

investigations, and by case file numbers. Records in the hard copy files are retrieved by case file numbers.

SAFEGUARDS:

Direct access to the criminal investigative index and hard copy files is limited to authorized employees of the OIG Office of Investigations. Additional access within EPA is limited to authorized employees on a need-to-know basis. All records, when not in the possession of an authorized employee, are stored in locked file cabinets or safes in a locked, alarmed central file room with restricted access.

RETENTION AND DISPOSAL:

Records are retained and disposed of in accordance with EPA Records Control Schedules, Inspector General Records, approved by the National Archives and Records Administration. Investigative case files containing information or allegations which are of an investigative nature but do not relate to a specific investigation are retained for 5 years and then destroyed. Except for significant cases, all other investigative case files are generally retained for 10 years and then destroyed.

SYSTEM MANAGER(S) AND ADDRESS:

Assistant Inspector General for Investigations, Office of Inspector General (2431), Environmental Protection Agency, 401 M Street, SW., Washington, DC 20460.

NOTIFICATION PROCEDURES:

See Exemption section of this notice. EPA claims that the system is exempt from this requirement. However, EPA has published rules that establish procedures for notifying an individual at his/her request if the system contains a record pertaining to him/her because, under certain circumstances, it might be appropriate for an individual to have access to all or a portion of his/her records in this system. Requests for notification should be made in writing to the System Manager in accordance with EPA's regulations at 40 CFR part 16.

RECORD ACCESS PROCEDURES:

See Exemption section of this notice. EPA claims that the system is exempt from this requirement. However, EPA has published rules that establish procedures for notifying an individual at his/her request how he/she can gain access to a record in this system pertaining to him/her because, under certain circumstances, it might be appropriate for an individual to have access to all or a portion of his/her records in this system. Requests for access should be made in writing to the System Manager in accordance with EPA's regulations at 40 CFR part 16.

CONTESTING RECORD PROCEDURES:

See Record Access Procedures section of this notice.

RECORD SOURCE CATEGORIES:

See Exemption section of this notice. EPA claims that the system is exempt from this requirement. However, EPA is publishing the following generic list of categories of sources of records in this system: the subjects of investigations; individuals with whom the subjects of investigations are or were associated (e.g., colleagues, business associates, acquaintances, or relatives); Federal, State, local, and foreign investigatory or law enforcement agencies; other government agencies; confidential sources; complainants; witnesses; concerned citizens; and public source materials.

SYSTEMS EXEMPT FROM CERTAIN PROVISIONS OF THE ACT:

Under 5 U.S.C. 552a(j)(2), this system is exempt from the following provisions of the Privacy Act of 1974, as amended: 5 U.S.C. 552a (c) (3) and (4); (d); (e) (1), (2), (3), (4) (G), (H), and (I), (5), and (8); (f); and (g). Under 5 U.S.C. 552a(k)(2), this system is exempt from the following provisions of the Privacy Act of 1974, as amended, subject to the limitations set forth in that subsection: 5 U.S.C. 552a (c)(3); (d); (e) (1), (4) (G), (H), and (I); and (f). Under 5 U.S.C. 552a(k)(5), this system is exempt from the following provisions of the Privacy Act of 1974, as amended, subject to the limitations set forth in that subsection: 5 U.S.C. 552a (c)(3); (d); (e) (1), (4) (H) and (I); and (f) (2) through (5). These exemptions were published as regulations in the **Federal Register** in accordance with the requirements of 5 U.S.C. 553 (b) (1), (2), and (3), (c), and (e). For additional information, contact the System Manager.

EPA–5

SYSTEM NAME:

OIG Personnel Security Files—EPA/OIG.

SECURITY CLASSIFICATION:

Most of the records in this system are unclassified. However, some records in the system have been classified by other Federal agencies under Executive Order 12356, Executive Order 12958, Executive Order 12968, or the Atomic Energy Act of 1954, 42 U.S.C. 2011.

SYSTEM LOCATION:

Assistant Inspector General for Management, Office of Inspector General (2441), Environmental Protection Agency, 401 M Street, SW., Washington, DC 20460.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Individuals who are or have been the subjects of personnel security and suitability investigations (e.g., national agency checks and inquiries, background investigations, and periodic reinvestigations) conducted by or for the OIG or the Office of Personnel Management (OPM), including present and former EPA employees, consultants, contractors, and subcontractors in national security and/or public trust positions; and applicants for national security and/or public trust positions at EPA.

CATEGORIES OF RECORDS IN THE SYSTEM:

a. *Computerized Reference:* Certain information from selected personnel security and suitability files, including the subject's social security number, name, title, EPA office, EPA organization mail code, General Schedule occupation series and grade, geographic location, type of employee (e.g., EPA employee, EPA OIG employee, or contractor employee), location of Official Personnel File (OPF) folder, date of birth, place of birth, type of investigation conducted, date investigation completed, date completed investigation received by EPA OIG, date completed investigation adjudicated by EPA OIG, case number assigned by EPA OIG Personnel Security Staff, type of security clearance, date of security clearance, and sensitivity of the position occupied.

b. *Hard Copy Files:* All information relating to personnel security and suitability investigations, including the information contained in the computerized reference; information provided by the subjects on resumes and on forms SF–171, SF–85, SF–85P, SF–85P–S, SF–86, SF–87, OF–306, OF–612, OPM–329–A, EPA–1480–19, EPA–1480–40, AEC–136, DOE F 5631.18, and DOE F 5631.34; information in interviews and correspondence; information provided by individuals with whom the subjects are or were associated (e.g., colleagues, business associates, acquaintances, or relatives); information provided by Federal, State, local, and foreign investigatory or law enforcement agencies, and other government agencies; information provided by confidential sources; information provided by former employers, references named by the subjects, credit agencies, and educational institutions; pre-appointment investigative reports;

summaries of telephone calls; correspondence; public source materials; and information relating to criminal prosecutions, civil proceedings, and administrative actions taken with respect to the subjects.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

Executive Order 10450, as amended; Executive Order 12958; Executive Order 12968; Atomic Energy Act of 1954, as amended, 42 U.S.C. 2011; Inspector General Act of 1978, as amended, 5 U.S.C. app.; 5 U.S.C. 301; and the Federal Records Act of 1950, as amended, 44 U.S.C. 3101.

PURPOSE(S):

The records contained in the system are used by the OIG to develop information on EPA employees, consultants, contractors, subcontractors, and applicants that will help EPA determine suitability, eligibility, or qualifications for Federal civilian employment, Federal contracts, or access to classified information. When records in this system reveal a violation or potential violation of law, such records are used by the OIG to meet the responsibilities of the Inspector General under the Inspector General Act of 1978, as amended, to conduct and supervise investigations relating to programs and operations of the EPA; to promote economy, efficiency, and effectiveness in the administration of such programs and operations; and to prevent and detect fraud and abuse in such programs and operations. The records may be used to investigate individuals and entities suspected of having committed illegal or unethical acts. The records may be used in criminal prosecutions, civil proceedings, and administrative actions taken as a result of the findings of the investigation.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSE OF SUCH USES:

A record from the system of records may be disclosed, as a routine use:

a. To any source, private or public, to the extent necessary to secure from such source information relevant to a legitimate EPA investigation, audit, or other inquiry.

b. To the appropriate Federal, State, local, foreign, or international agency, if a record indicates, either by itself or in combination with other information, a violation or potential violation of law, whether criminal, civil, or regulatory in nature, and whether arising by general statute or particular program statute, or by rule, regulation, or order issued pursuant thereto, when that agency is charged with the responsibility of investigating or prosecuting a violation, or of enforcing or implementing the statute, or rule, regulation, or order issued pursuant thereto.

c. To a Federal, State, local, foreign, or international agency, or other public authority or professional organization, maintaining civil, criminal, or other relevant enforcement records or other pertinent records, such as current licenses, in order to obtain information relevant to an EPA investigation, audit, or other inquiry, or relevant to an EPA decision concerning the hiring or retention of an employee or other personnel action, the issuance of a security clearance, the letting of a contract, the issuance of a license, grant, or other benefit, the establishment of a claim, or the initiation of criminal, civil, or administrative action.

d. To a Federal, State, local, foreign, or international agency, in response to its request, in connection with the assignment, hiring, or retention of an individual, the issuance of a security clearance, the reporting of an investigation of an individual, the letting of a contract, or the issuance of a license, grant, or other benefit by the requesting agency, to the extent that the information is relevant and necessary to the requesting agency's decision on the matter.

e. In a proceeding before a court, other adjudicative body or grand jury, or in an administrative or regulatory proceeding, to the extent that each disclosure is compatible with the purpose for which the record was collected and is relevant and necessary to the proceeding in which one of the following is a party or has an interest: (1) EPA or any of its components, (2) an EPA employee in his or her official capacity, (3) an EPA employee in his or her individual capacity when the Department of Justice is representing or considering representation of the employee, or (4) the United States when EPA determines that the litigation is likely to affect EPA. Such disclosures include, but are not limited to, those made in the course of presenting evidence, conducting settlement negotiations, and responding to subpoenas and requests for discovery.

f. To a Member of Congress who submits an inquiry on behalf of an individual, when the individual to whom the record pertains has authorized the Member of Congress in writing to have access to the record. In such cases, the Member of Congress has no more right to the record than does the individual who requested it.

g. To the Department of Justice for the purpose of obtaining its advice on Freedom of Information Act matters.

h. To the Office of Management and Budget for the purpose of obtaining its advice regarding EPA obligations under the Privacy Act of 1974, as amended, 5 U.S.C. 552a, or in connection with the review of legislation.

i. In response to a subpoena issued by a Federal agency having the power to subpoena records of other Federal agencies.

j. To the Department of Justice to the extent that each disclosure is compatible with the purpose for which the record was collected and is relevant and necessary to litigation or anticipated litigation in which one of the following is a party or has an interest: (1) EPA or any of its components, (2) an EPA employee in his or her official capacity, (3) an EPA employee in his or her individual capacity when the Department of Justice is representing or considering representation of the employee, or (4) the United States when EPA determines that the litigation is likely to affect EPA.

k. To the Department of the Treasury and the Department of Justice when EPA is seeking an ex parte court order to obtain taxpayer information from the Internal Revenue Service.

l. To debt collection contractors for the purpose of collecting delinquent debts as authorized by law.

m. To a ''consumer reporting agency,'' as that term is defined in the Fair Credit Reporting Act (15 U.S.C. 1681a(f)) or the Federal Claims Collection Act of 1966 (31 U.S.C. 3701(a)(3)), for the purpose of obtaining information in the course of an investigation.

n. To EPA contractors, assistance recipients, or volunteers who have been engaged to assist EPA in the performance of a contract, grant, cooperative agreement, or other activity related to this system of records and who need to have access to the records in order to perform the activity. Recipients shall be required to comply with the requirements of the Privacy Act of 1974, as amended, 5 U.S.C. 552a.

o. To representatives of the General Services Administration and the National Archives and Records Administration who are conducting records management inspections under the authority of 44 U.S.C. 2904 and 2906.

p. To a Federal agency responsible for considering debarment or suspension action if the record would be relevant to such action.

q. To a public or professional licensing organization if the record indicates, either by itself or in combination with other information, a violation or potential violation of professional standards, or reflects on the

moral, educational, or professional qualifications of an individual who is licensed or who is seeking to become licensed.

r. To an entity or person, public or private, when disclosure of the record is needed to enable the recipient of the record to take action to recover money or property of the EPA, when such recovery will accrue to the benefit of the United States, or when disclosure of the record is needed to enable the recipient of the record to take appropriate disciplinary action to maintain the integrity of EPA programs or operations.

s. To officers and employees of other Federal agencies for the purpose of quality assessments of the OIG's personnel security and suitability operations.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

The computerized reference is stored on computer hard disks and computer printout sheets. The hard copy files are stored in file folders. All records are stored under secure conditions, which are described in the Safeguards section.

RETRIEVABILITY:

Records in the computerized reference are retrieved by the social security number of the subject of a personnel security and suitability investigation. Records in the hard copy files are retrieved by the name of the subject of a personnel security and suitability investigation.

SAFEGUARDS:

Direct access is limited to authorized employees of the OIG, Office of Management, Personnel Security Staff. Additional access within EPA is limited to authorized employees on a need-to-know basis. All records, when not in the possession of an authorized employee, are stored in locked file cabinets or safes in a locked, alarmed central file room with restricted access. Classified records are safeguarded in accordance with Executive Order 12958 and Executive Order 12968.

RETENTION AND DISPOSAL:

Records are retained and disposed of in accordance with EPA Records Control Schedules, Inspector General Records, approved by the National Archives and Records Administration. Personnel security and suitability files are generally retained for 5 years after the separation or transfer of the employee and then destroyed.

SYSTEM MANAGER(S) AND ADDRESS:

Assistant Inspector General for Management, Office of Inspector General (2441), Environmental Protection Agency, 401 M Street, SW., Washington, DC 20460.

NOTIFICATION PROCEDURES:

See Exemption section of this notice. EPA claims that the system is exempt from this requirement to the extent that the system contains investigatory material compiled for law enforcement purposes. EPA also claims that the system is exempt from this requirement to the extent that the system contains classified information that has been properly classified under applicable statutes or executive orders. However, EPA has published rules that establish procedures for notifying an individual at his/her request if the system contains a record pertaining to him/her because, under certain circumstances, it might be appropriate for an individual to have access to all or a portion of his/her records in this system. Requests for notification should be made in writing to the System Manager in accordance with EPA's regulations at 40 CFR part 16.

RECORD ACCESS PROCEDURES:

See Exemption section of this notice. EPA claims that the system is exempt from this requirement. However, EPA has published rules that establish procedures for notifying an individual at his/her request how he/she can gain access to a record in this system pertaining to him/her because, under certain circumstances, it might be appropriate for an individual to have access to all or a portion of his/her records in this system. Requests for access should be made in writing to the System Manager in accordance with EPA's regulations at 40 CFR part 16.

CONTESTING RECORD PROCEDURES:

See Record Access Procedures section of this notice.

RECORD SOURCE CATEGORIES:

See Exemption section of this notice. EPA claims that the system is exempt from this requirement. However, EPA is publishing the following generic list of categories of sources of records in this system: The subjects of personnel security and suitability investigations; individuals with whom the subjects are or were associated (e.g., colleagues, business associates, acquaintances, or relatives); Federal, State, local, and foreign investigatory or law enforcement agencies; other government agencies; confidential sources; former employers; references named by the subjects; credit agencies; educational institutions; and public source materials.

SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:

Under 5 U.S.C. 552a(k)(1), this system is exempt from the following provisions of the Privacy Act of 1974, as amended: 5 U.S.C. 552a (c)(3); (d); (e) (1), (4) (G), (H), and (I); and (f). Under 5 U.S.C. 552a(k)(2), this system is exempt from the following provisions of the Privacy Act of 1974, as amended, subject to the limitations set forth in that subsection: 5 U.S.C. 552a (c)(3); (d); (e) (1), (4) (G), (H), and (I); and (f). Under 5 U.S.C. 552a(k)(5), this system is exempt from the following provisions of the Privacy Act of 1974, as amended, subject to the limitations set forth in that subsection: 5 U.S.C. 552a (c)(3); (d); (e) (1), (4) (H) and (I); and (f) (2) through (5). These exemptions were published as regulations in the **Federal Register** in accordance with the requirements of 5 U.S.C. 553 (b) (1), (2), and (3), (c), and (e). For additional information, contact the System Manager.

[FR Doc. 97–23632 Filed 9–4–97; 8:45 am]

BILLING CODE 6560–50–P

ENVIRONMENTAL PROTECTION AGENCY

[FRL–5887–9]

Privacy Act of 1974: Systems of Records

AGENCY: Environmental Protection Agency.

ACTION: Amendment to notice of Privacy Act system of records.

SUMMARY: The Environmental Protection Agency (EPA) is proposing to amend routine uses in an existing Privacy Act system of records, the ''EPA Travel, Other Accounts Payable and Accounts Receivable Files. EPA/FMD, EPA–29'' which was last published on January 10, 1992 at 57 FR 1182.

EFFECTIVE DATES: The proposed amendments will be effective without further notice October 15, 1997, unless comments received require a contrary determination.

ADDRESSES: Send written comments to: Al Demarcki, Systems Accountant, Financial Management Division, Financial Policies, Procedures and Compliance Branch, Environmental Protection Agency, 401 ''M'' Street SW (2733F), Washington, DC 20460.

FOR FURTHER INFORMATION CONTACT: Al Demarcki, Systems Accountant, Financial Management Division, Financial Policies, Procedures and

Compliance Branch, Environmental Protection Agency, 401 ''M'' Street SW (2733F), Washington, DC 20460. Tel. (202) 260–2633.

SUPPLEMENTARY INFORMATION: The proposed amendment alters the routine use provision of the notice for EPA's Travel, Other Accounts Payable and Accounts Receivable Files as follows: (1) The letter designations in routine uses 12a through 12g have been eliminated and replaced by number designations. The proposed routine uses for this system of records are numbered 1 through 19. (2) The proposed amendment adds a new routine use number 13 to the system of records which authorizes disclosure to the Internal Revenue Service for the purpose of recouping delinquent debts owed the United States through offset of Federal Tax returns under the Federal Tax Refund Offset Program authorized by 31 U.S.C. 3720A and for the purpose to perform Offsets and Cross-Servicing of delinquent debtors. (3) Routine use 11 (which authorizes disclosures to Federal State and local agencies for computer matching purposes) and 12d (which authorizes disclosures to other Federal Agencies for debt collection purposes) have been deleted in their current form and replaced with proposed routine uses 11 and 12. These proposed routine uses do not authorize additional or new disclosures, but are intended only to clarify and more precisely define the nature and purpose of the disclosures set forth in the deleted routine uses.

Proposed routine use 11 limits disclosures for debt collection purposes under the Debt Collection Act (Pub. L. 97–365) to two named agencies, the Defense Manpower Data Center (DMDC) of the Department of Defense and the U.S. Postal Service (USPS). This routine use encompasses, but is not limited to, disclosures made pursuant to a computer matching program in accordance with the Computer Matching and Privacy Protection Act of 1988. This proposed routine use adopts language similar to that recommended by the U.S. Department of Treasury in its Government-wide guidance on Federal debt collection.

Proposed routine use 12 permits disclosures, including disclosures under a computer matching program, to Federal Agencies other than the DMDC and USPS, and to State and local agencies for debt collection purposes. EPA will comply with the Computer Matching and Privacy Protection Act of 1988 and Implementing Guidelines in the case of disclosures under a computer matching program.

Other revisions of the routine uses are of a minor editorial or administrative nature. All routine uses for this system of records, including the proposed amended routine uses, are listed below in the propose notice.

Dated: August 28, 1997.

Alvin M. Pesachowitz,

Acting Assistant Administrator and Chief Information Officer.

EPA–29

SYSTEM NAME:

EPA Travel, Other Accounts Payable and Accounts Receivable Files, EPA/FMD.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

Routine use disclosures of records in this system of records may be made as follows:

1. To a member of Congress or a congressional office in response to any inquiry from that Member or office made at the request of the individual to whom the record pertains.

2. To EPA contractors, grantees or volunteers who have been engaged to assist EPA in the performance of a contract, service, grant, cooperative agreement or other activity related to this system of records and who need to have access to the records in order to perform the activity. Recipients are required to maintain records in this system in accordance with the requirements of the Privacy Act.

3. To Union representatives when relevant and necessary to their duties as exclusive bargaining agents under the Civil Service Reform Act of 1978, 5 U.S.C. 7111 and 7114.

4. To a Federal agency which has requested information relevant to its decision in connection with the hiring or retention of an employee, the reporting of an investigation on an employee, the letting of a contract, or the issuance of a security clearance, license, grant or other benefit.

5. To a Federal, State or local agency where necessary to enable EPA to obtain information relevant to an EPA decision concerning the hiring or retention of an employee, the reporting of an investigation on an employee, the letting of a contract, or the issuance of a security clearance, license, grant or other benefit.

6. To an appropriate Federal, State, local or foreign agency responsible for investigating, prosecuting, enforcing, or an indication of a violation or potential violation of the statute, rule, regulation or order and the information is relevant to the matter.

7. To the Department of Justice to the extent that each disclosure is compatible with the purpose for which the record was collected and is relevant and necessary to litigation or anticipated litigation in which one of the following is a party or has an interest: (a) EPA or any of its components, (b) an EPA employee in his or her official capacity, (c) an EPA employee in his or her individual capacity when the Department of Justice is representing or considering representation of the employee, or (d) the United States where EPA determines that litigation is likely to effect the Agency.

8. In a proceeding before a court, other adjudicative body or grand jury, or in an administrative or regulatory proceeding to the extent that each disclosure is compatible with the purpose for which the records were collected and is relevant and necessary to litigation or anticipated litigation in which one of the following is a party or has an interest: (a) EPA or any of its components, (b) an EPA employee in his or her official capacity, (c) an EPA employee in his or her individual capacity where the Department of Justice is representing or considering representation of the employee, or (d) the United States where EPA determines that litigation is likely to effect the Agency. Such disclosures include, but are not limited to those made in the course of presenting evidence, conducting settlement negotiations, and responding to subpoenas and requests for discovery.

9. To representatives of the General Service Administration and the National Archives and Records Administrations who are conducting records management inspections under the authority of 44 U.S.C. 2904 and 2906.

10. To the General Accounting Office, Office of Management and Budget, and Department of Treasury for purpose of carrying out EPA's financial management responsibilities.

11. To the Defense Manpower Data Center of the Department of Defense and to the U.S. Postal Service for the purpose of identifying and locating individuals who are receiving Federal salaries or benefit payments and are delinquent in their repayment of debts owed to the U.S. Government under programs administered by EPA. The ultimate purpose of such disclosures is to collect the delinquent debts under the Debt Collection Act (Pub. L. 97–365) by voluntary repayment or by administrative or salary offset procedures. Such disclosures may be made as part of computer matching programs, in which case EPA will

comply with the Computer Matching and Privacy Protection Act of 1988 and implementing guidelines.

12. To other Federal, State, and local agencies to help eliminate fraud and abuse, to detect unauthorized overpayments made to individuals, and to recoup delinquent debts owed to the United States or State and local agencies, including recoupment through salary and administrative offset. Such disclosures may be made as part of computer matching programs, in accordance with the Computer Matching and Privacy Protection Act of 1988 and implementing guidelines.

13. To the Department of Treasury or other Federal Agencies for the purpose of recouping delinquent debts owed the United States through offset of Federal Tax returns under the Federal Tax Refund Offset program authorized by 31 U.S.C. 3720A and 3716, to administer offset authorized in 3716 authorized in 3716 or through salary offset 5 U.S.C. 5514.

14. To the Internal Revenue Service in order to obtain taxpayer mailing addresses to locate taxpayers for the purposes of collecting debts owed EPA.

15. To provide debtor information to consumer reporting agencies in order to obtain credit reports for use by EPA for debt collection purposes and to report delinquent debts. The term ''debtor information'' is limited to the individuals name, address, social security number, and other information necessary to identify the individual, the amount, status and history of the claim and the agency or program under which the claim arose.

16. To provide debtor information to debt collection agencies under contract to EPA to help collect debts owed EPA. Such agencies will be required to comply with the Privacy Act and their agents will be made subject to the criminal penalty provisions of the Act.

17. To provide debtor information to the U.S. Department of Justice for litigation or further administrative action in connection with debt collection.

18. To the Department of the Treasury for the purpose of collecting delinquent debt under 3711G.

[FR Doc. 97–23633 Filed 9–4–97; 8:45 am]

BILLING CODE 6560–50–P

ENVIRONMENTAL PROTECTION AGENCY

[FRL–5887–7]

Agency Information Collection Activities; OMB Responses

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice.

SUMMARY: This notice announces the Office of Management and Budget's (OMB) responses to Agency clearance requests, in compliance with the Paperwork Reduction Act (44 U.S.C. 3501 et seq.). An agency may not conduct or sponsor, and a person is not required to respond to, a collection of information unless it displays a currently valid OMB control number. The OMB control numbers for EPA's regulations are listed in 40 CFR Part 9 and 48 CFR Chapter 15.

FOR FURTHER INFORMATION CONTACT: Sandy Farmer (202) 260–2740, please refer to the appropriate EPA Information Collection Request (ICR) Number.

SUPPLEMENTARY INFORMATION:

OMB Responses to Agency Clearance Requests

OMB Approvals

EPA ICR No. 1519.04; Notice for Stored Pesticides With Canceled or Suspended Registration, was approved 08/12/97; OMB No. 2070–0109; expires 08/31/2000.

EPA ICR No. 1049.08; Notification of Episodic Releases of Oil and Hazardous Substances; was approved 08/12/97; OMB No. 2050–0046; expires 08/31/2000.

EPA ICR No. 0866.05; Quality Assurance Specification and Requirements; was approved 08/12/97; OMB No. 2080–0033; expires 08/31/2000.

EPA ICR No. 1583.03; National Request for Information (RFI) for Vendor Information System for Innovative Technologies (VISIT) and Vendor Field Analytical and Characterization Technologies System, Vendor Facts; was approved 08/12/97; OMB No. 2050–0114; expires 08/31/2000.

EPA ICR No. 1683.02; NSPS for Primary Aluminum Reduction Plants, Recordkeeping and Reporting; was approved 08/06/97; OMB No. 2060–0031; expires 08/31/2000.

EPA ICR No. 1061.07; NSPS for Phosphate Fertilizer Industry; was approved 08/06/97; OMB No. 2060–0037; expires 08/31/2000.

EPA ICR No. 1135.06; NSPS for Magnetic Tape Coating Facilities—Subpart SSS; was approved 08/06/97; OMB No. 2060–0171; expires 08/31/2000.

EPA ICR No. 1808.01; Environmental Impact Assessment of Nongovernmental Activities in Antarctica; was approved 08/05/97; OMB No. 2020–0007; expires 02/28/98.

EPA ICR No. 1442.14; Land Disposal Restrictions, Phase IV Mini-Rule Treatment Standards for Wastes from Wood Preserving; was approved 08/22/97; OMB No. 2050–0085; expires 08/31/2000.

EPA ICR No. 1630.03; Oil Pollution Act Facility Responses Plans—40 CFR 112.20–21; was approved 08/22/97; OMB No. 2050–0135; expires 08/31/2000.

EPA ICR No. 1198.05; Chemical-Specific Rules—TSCA Section 8(a); was approved 08/20/97; OMB No. 2070–0067; expires 08/31/2000.

EPA ICR No. 1664.03; National Oil and Hazardous Substances Pollution Contingency Plan—Subpart J; was approved 08/22/97; OMB No. 2050–0141; expires 08/31/2000.

Notice of Short Term Extensions

EPA ICR No. 0234.05; Performance Evaluation Studies on Water and Wastewater Laboratories; OMB No. 2080–0021; expiration date was extended from 07/31/97 to 10/31/97.

EPA ICR No. 0318.06; Inventory (Needs Survey) of Publicly-Owned Wastewater Treatment Works (POTW'S) in the United States; OMB No. 2040–0050; expiration date was extended from 09/30/97 to 11/30/97.

EPA ICR No. 1684.02; Compression Ignition Nonroad Engine Certification Application; OMB No. 2060–0287; expiration date was extended from 06/30/97 to 12/31/97.

EPA ICR No. 1674.01; Nonroad Spark-Ignition Engine Selective Enforcement Auditing; OMB No. 2060–0295; expiration date was extended from 07/31/97 to 01/31/98.

EPA ICR No. 1696.01; Fuels and Fuel Additives Registration Regulations; OMB No. 2060–0297; expiration date was extended from 07/31/07 to 01/31/98.

EPA ICR No. 1702.01; Retrofit/Rebuild Requirements for 1993 and Earlier Model Year Urban Buses; OMB No. 2060–0302; expiration date was extended from 07/31/97 to 01/31/98.

EPA ICR No. 1675.01; Small Non-road Engines, In-Use Testing Reporting Requirements; OMB No. 2060–0292; expiration date was extended from 07/31/97 to 01/31/98.

Dated: August 28, 1997.

Joseph Retzer,

Division Director, Regulatory Information Division.

[FR Doc. 97–23630 Filed 9–4–97; 8:45 am]

BILLING CODE 6560–50–M

FEDERAL RESERVE SYSTEM

Sunshine Act Meeting

AGENCY HOLDING THE MEETING: Board of Governors of the Federal Reserve System.

TIME AND DATE: 10:00 a.m., Wednesday, September 10, 1997.

PLACE: Marriner S. Eccles Federal Reserve Board Building, C Street entrance between 20th and 21st Streets, NW., Washington, DC 20551.

STATUS: Closed.

MATTERS TO BE CONSIDERED:

1. Personnel actions (appointments, promotions, assignments, reassignments, and salary actions) involving individual Federal Reserve System employees.

2. Any items carried forward from a previously announced meeting.

CONTACT PERSON FOR MORE INFORMATION: Mr. Joseph R. Coyne, Assistant to the Board; (202) 452–3204. You may call (202) 452–3207, beginning at approximately 5 p.m. two business days before this meeting, for a recorded announcement of bank and bank holding company applications scheduled for the meeting.

Dated: September 3, 1997.

Jennifer J. Johnson,

Deputy Secretary of the Board.

[FR Doc. 97–23701 Filed 9–3–97; 12:33 pm]

BILLING CODE 6210–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Office of the Secretary

Health Promotion and Disease Prevention Objectives for 2010

AGENCY: DHHS/OS/Office of Public Health and Science, Office of Disease Prevention and Health Promotion (ODPHP).

ACTION: Call for (1) comments on the proposed structure for Healthy People 2010 national health objectives for the year 2010 and (2) proposed objectives.

SUMMARY: The Department of Health and Human Services is soliciting comments on the proposed structure for Healthy People 2010, the third set of decade-long national health promotion and disease prevention objectives. The Department is also soliciting proposed objectives for 2010. Guidance for comments is provided in the DHHS publication Developing Objectives for 2010. During the fall of 1997, individuals and organizations are encouraged to submit (1) comments on the proposed framework envisioned for 2010 (see Appendix to this Notice) and/or (2) objectives for 2010. In the fall of 1998, a draft document of Healthy People 2010 objectives will be made available for public review and comment.

DATES: The comment and submission period is September 15 through December 15, 1997.

ADDRESSES: By mail, comments postmarked no later than December 15 can be submitted to—Office of Disease Prevention and Health Promotion, Attention: Healthy People 2010 Objectives, Department of Health and Human Services, Room 738–G Hubert H. Humphrey Building, 200 Independence Avenue, SW., Washington, DC. 20201. Comments sent by courier service will be accepted until 5 p.m. EST on December 15. Comments may also be submitted electronically through the Healthy People Home Page—http://web.health.gov/healthypeople.

FOR FURTHER INFORMATION CONTACT: Office of Disease Prevention and Health Promotion, Room 738–G Hubert H. Humphrey Building, 200 Independence Avenue, SW., Washington, DC 20201, (202) 205–8583.

SUPPLEMENTARY INFORMATION:

Background

In 1979, the Department of Health and Human Services began an initiative to use health promotion and disease prevention objectives to improve the health of people living in the United States. The first set of national health targets was published that year in *Healthy People: The Surgeon General's Report on Health Promotion and Disease Prevention*, which included five goals to be achieved by 1990 to reduce mortality among four different age groups and increase independence among older adults. The goals were supported by objectives that were released in 1980, also with 1990 targets.

Healthy People 2000, the second and current national prevention initiative, reflects the progress and experience of ten years, as well as an expanded science base and surveillance system. With the collaboration of an extensive network of voluntary and professional organizations, businesses, and individuals, the framework of *Healthy People 2000* was designed with three broad goals—increasing the span of healthy life, reducing health disparities, and achieving access to clinical preventive services. To help meet these goals, 319 objectives and 319 special population targets, organized into 22 priority areas, aim to achieve improvements in health status, risk reduction, and service delivery.

Structure of Healthy People 2010

The healthy People 2010 process will build on *Healthy People 2000*. To ensure that the year 2010 goals and objectives address the needs of their many stakeholders, your input is requested. ODPHP is soliciting public assessment and comments on a preliminary framework (see Appendix to this Notice), which was developed with the assistance of focus groups composed of representatives from Healthy People 2000 Consortium member organizations. This draft framework includes a vision statement ''Healthy People in Healthy Communities.'' Two overarching goals for the Nation are proposed: (1) Increase years of healthy life, and (2) eliminate health disparities. This first goal continues the year 2000 goal with an emphasis on increasing quality life years, not just life expectancy. The second goal strengthens the Healthy People 2000 goal of reducing health disparities by calling for the elimination of those disparities. Four proposed enabling goals accompany the overarching ones. Their purpose is to provide strategies to achieve the overarching goals by: (Promoting healthy behaviors; (2) protecting health; (3) assuring access to quality health care; and (4) strengthening community prevention activities.

The proposed focus areas are analogous to, and for the most part use the same names as, Healthy People 2000 priority areas. The term ''focus area'' was chosen to avoid any implication of prioritization. New focus areas have been suggested in response to changes in health care and public health during the last 10 years and those anticipated over the next decade. These include mental and physical impairment and disability, and public health infrastructure. Since one of the overarching goals is to eliminate health disparities, specific special population focus areas—low income, race/ethnicity, gender, age, and people with disabilities—are under consideration to address this goal. In each of these focus areas, special population objectives would target the most significant

disparities in health status, health risk, and service delivery.

Comments on the framework are invited to address (1) The proposed framework in its entirety; (2) the proposed vision statement; (3) the two proposed overarching goals; (4) the four proposed enabling goals; (5) the proposed focus areas; (6) the proposed arrangement of focus areas; or (7) entirely new proposals. For each heading addressed, the commenter should consider the appropriateness and usefulness of the proposed approach and/or offer alternative approaches. After the close of the comment period, the framework will be reconsidered and recast on the basis of comments received. A revised framework will be included in the draft 2010 document and a notice calling for public comment on the draft will be published in the **Federal Register** in the fall of 1998.

Objectives for Healthy People 2010

Objectives for Healthy People 2010 can be updated or modified Healthy People 2000 objectives or entirely new ones submitted by commenters. The proposed approach for Healthy People 2010 calls for two broad types of objectives—measurable and developmental objectives. Recommendations for both types will be accepted during the comment period.

Measurable objectives provide direction for action. They have baselines that use valid and reliable data derived from currently established, nationally recognized data systems. These baseline data provide the point from which a 2010 target can be set. Whenever possible, objectives should be measured with national systems that either build on, or are comparable with, state and local data systems. However, state data are not a prerequisite for developing an objective. Proxy data may be used when national data are not available or when regional data provide better measurability. When providing an idea for a measurable objective, please cite the data source. An example of a measurable objective is ''Reduce the infant mortality rate by (XX) percent to no more than (X) per 1,000 live births.'' The current Healthy People 2000 baseline is 10.1 per 1,000 live births in 1987, as recorded by National Vital Statistics System, the data source.

Developmental objectives describe a desired outcome or achieved health status. However, current surveillance systems do not provide data on these objectives. The purposes of developmental objectives is to identify areas that are important and to stimulate the development of data systems to measure them. An example of a developmental objective is ''Increase to at least 90 percent the proportion of pregnant women and infants who receive risk-appropriate care.'' Baseline data to measure such an objective are not currently available.

Proposals for 2010 objectives received by ODPHP will be assigned for consideration to lead agencies of DHHS, which will select proposed objectives for inclusion in the draft 2010 document. This draft will be available for public review and comment from October to December 1998. A listing of lead agencies is contained in the DHHS publication Developing Objectives for Healthy People 2010. This publication is for sale by the U.S. Government Printing Office, stock #017–001–00530–4; the price is $18, which includes shipping and handling. All orders must be prepaid. To order, call (202) 512–1800; FAX (202) 512–2250; or send orders to—Superintendent of Documents P0 Box 371954, Pittsburgh, PA 15250–7954.

Information about the Healthy People initiative as well as many publications relating to it are available electronically on the Healthy People Home Pages—http://odphp.osophs.dhhs.gov/pubs/hp2000 and http://web.health.gov/healthy people

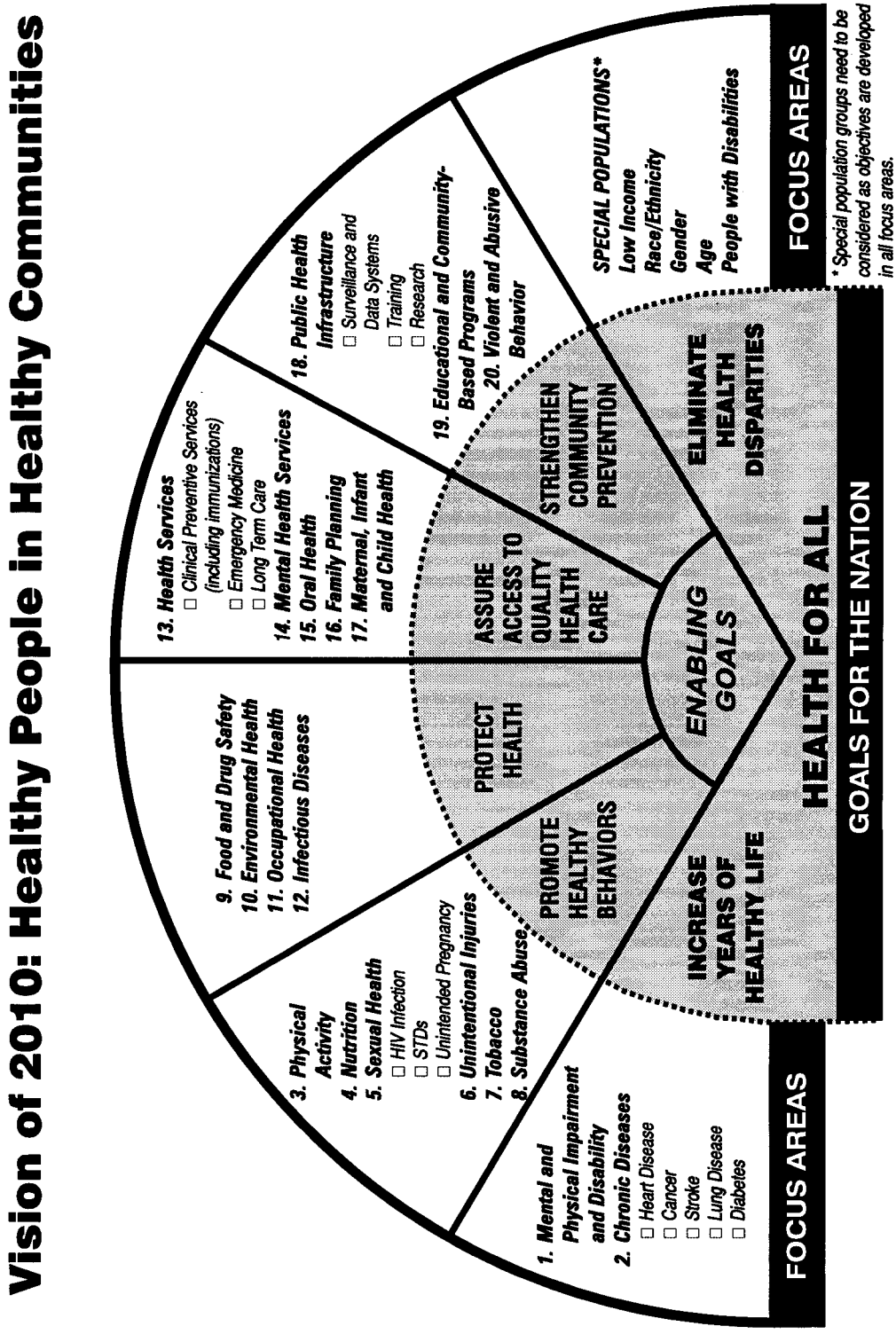
Dated: August 29, 1997.

John M. Eisenberg,

Acting Assistant Secretary for Health.

BILLING CODE 4160–17–M

APPENDIX-Proposed Healthy People 2010 Framework



[FR Doc. 97–23567 Filed 9–4–97; 8:45 am]
BILLING CODE 4160–17–C

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Agency for Health Care Policy and Research

Agency for Toxic Substances and Disease Registry

The Agency for Toxic Substances and Disease Registry announces the following meeting.

Name: Expert Panel on Pediatric Environmental Medicine.

Times and Dates: 3 p.m.–5 p.m., September 17, 1997; 9 a.m.–5 p.m., September 18, 1997; 8 a.m.–3 p.m., September 19, 1997.

Place: The Atlanta Marriott Norcross, 475 Technology Parkway, Norcross, Georgia 30092, telephone 770/263–8558.

Status: Open to the public, limited only by the space available. The meeting room accommodates approximately 50 people.

Purpose: The Agency for Toxic Substances and Disease Registry (ATSDR) is developing age-specific clinical practice guidelines in environmental medicine for children. The purpose of the expert panel workshop is to provide a forum for ATSDR to solicit individual expert consultation on issues of science and public health practice for the consideration in the development medical guidance. The guidelines initially proposed for development are: (1) general health assessment templates for children who have suffered environmental exposures and (2) a module on assessing growth and development in environmentally exposed children.

Matters To Be Considered: Participants will discuss their suggestions for pediatricians and environmental specialists confronted with situations in which children of various ages need environmental medicine evaluations; appropriate criteria for referral to specialists in environmental medicine or other specialties; how referrals should be arranged and what initial tests should be done. Guidance will be developed that (1) is age-specific; (2) is reasonable, quick, and easy-to-use; and (3) includes suggestions for basic standards of pediatric environmental medical care.

Agenda items are subject to change as priorities dictate.

Contact Person For More Information: Christine Rosheim, Health Education Specialist, Division of Health Education and Promotion, ATSDR, M/S E–33, 1600 Clifton Road NE, Atlanta, Georgia 30333, telephone 404/639–6205 or fax 404/ 639–6207.

Dated: August 28, 1997.

Carolyn J. Russell,

Director, Management Analysis and Services Office, Centers for Disease Control and Prevention (CDC).

[FR Doc. 97–23572 Filed 9–4–97; 8:45 am]

BILLING CODE 4163–70–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Centers for Disease Control and Prevention

The National Center for Environmental Health (NCEH) of the Centers for Disease Control and Prevention (CDC) announces the following meetings

Name: Teleconference meetings of the Ad Hoc Group for Early Hearing Detection and Intervention (EHDI), formerly known as the Ad Hoc Group for Universal Newborn Hearing Screening (UNHS).

Times and Dates: 2 p.m.–3 p.m., October 7, 1997; 2 p.m.–3 p.m., November 4, 1997; 2 p.m.–3 p.m., December 2, 1997; 2 p.m.–3 p.m., January 6, 1998; 2 p.m.–3 p.m., February 3, 1998; 2 p.m.–3 p.m., March 3, 1998.

Place: National Center for Environmental Health, Division of Birth Defects and Developmental Disabilities, Room 2103A, Building 101, 4770 Buford Highway, NE, Atlanta, Georgia 30341, telephone 770/488–7401.

Status: Open for participation by anyone with an interest in EHDI. All participants in the monthly conference calls are, by definition, members of the Ad Hoc Group for Early Hearing Detection and Intervention. Persons wishing to participate must E-mail or fax their request. The e-mail address is ehdi@cdc.gov; the fax number is 770/488–7361. Within one week of each teleconference, participants will be notified of the toll-free teleconference phone number, a caller code and the agenda. Each participant will have the responsibility to call in to connect to the conference call.

Purpose: This meeting will provide a forum for persons associated with EHDI programs to report and review relevant activities. Each conference call will be comprised of a series of scheduled presentations. Each presentation will be followed by a brief question and answer period. The agenda for the conference call will be determined by the Division of Birth Defects and Developmental Disabilities in collaboration with the Office on Disability and Health, NCEH (pending approval); the National Institute on Deafness and Communicative Disorders, National Institutes of Health; the Bureau of Maternal and Child Health, Health Resources and Services Administration; Office of Special Education and Rehabilitative Services, Department of Education; and others interested in early hearing detection programs.

Suggestions and feedback are invited by the conference call planners. Participants requesting to be on the agenda or to make written comments can send their requests or comments to the E-mail address or fax numbers noted above.

Matters To Be Discussed: Topics to be discussed during the meetings include progress on State and National activities to implement EHDI programs; progress on establishing State and National data systems on EHDI; and guidelines for establishing screening, diagnosis, and intervention protocols.

Contact Person for More Information: June Holstrum, Ph.D., Division of Birth Defects and Developmental Disabilities, NCEH, CDC, 4770 Buford Highway, NE, M/S F–15, Atlanta, Georgia 30341, telephone 770/488–7401, fax 770/488–7361.

Dated: August 28, 1997.

Carolyn J. Russell

Director, Management Analysis and Services Office, Centers for Disease Control and Prevention (CDC).

[FR Doc. 97–23578 Filed 9–4–97; 8:45 am]

BILLING CODE 4163–18–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Administration for Children and Families

Proposed Information Collection Activity; Comment Request Proposed Projects

Title: Revised Form OCSE–100, State Plan for Child Support Collection and Establishment of Paternity Under Title IV–D of the Social Security Act.

OMB No.: 0970–0017.

Description: The State plan preprint and amendments serve as a contract with OCSE in outlining the activities the States will perform as required by law in order for States to receive federal funds to meet the costs of these activities. Due to enactment of HR2105, technical amendments for PRWORA, we are updating our State plan by revising 5 preprint pages. We are requesting approval of the revised State plan preprint pages for Section 2.1, Establishing Paternity and Securing Support, Section 2.5, Services to Individuals Not Receiving Title IV–A and IV–E Foster Care Assistance, Section 2.12–16 State Law Authorizing Suspension of Licenses, Section 2.12–20, Adoption of Uniform State Laws, and Section 3.16, Cooperation by Applicants for and Recipients of Part A Assistance. The information collected on the State plan pages is necessary to enable OCSE to monitor compliance with the requirements in Title IV–D of the Social Security Act and implementing regulations.

Respondents: States, Guam, Virgin Islands, Puerto Rico and District of Columbia.

ANNUAL BURDEN ESTIMATES

Instrument	Number of respondents	Number of responses per respondent	Average burden hours per response	Total burden hours.
State Plan	54	5	.717	193

Estimated Total Annual Burden Hours: 193.

In compliance with the requirements of section 3506(c)(2)(A) of the Paperwork Reduction Act of 1995, the Administration for Children and Families is soliciting public comment on the specific aspects of the information collection described above. Copies of the proposed collection of information can be obtained and comments may be forwarded by writing to the Administration for Children and Families, Office of Information Services, Division of Information Resource Management Services, 370 L'Enfant Promenade, SW., Washington, DC 20447, Attn: ACF Reports Clearance Officer. All requests should be identified by the title of the information collection.

The Department specifically requests comments on: (a) Whether the proposed collection of information is necessary for the proper performance of the functions of the agency, including whether the information shall have practical utility; (b) the accuracy of the agency's estimate of the burden of the proposed collection of information; (c) the quality, utility, and clarity of the information to be collected; and (d) ways to minimize the burden of the collection of information on respondents, including through the use of automated collection techniques or other forms of information technology. Consideration will be given to comments and suggestions submitted within 60 days of this publication.

Dated: August 29, 1997.

Bob Sargis,

Acting Reports Clearance Officer.

[FR Doc. 97–23649 Filed 9–4–97; 8:45 am]

BILLING CODE 4184–01–M

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Food and Drug Administration

[Docket No. 90F–0142]

Olin Corp.; Filing of Food Additive Petition; Amendment

AGENCY: Food and Drug Administration, HHS.

ACTION: Notice.

SUMMARY: The Food and Drug Administration (FDA) is amending the filing notice for a food additive petition filed by Olin Corp., to indicate that the petitioned additive, polyurethane resins derived from the reactions of toluene diisocyanate or 4,4′-methylenebis (cyclohexylisocyanate) with carboxylic acid-modified polypropylene glycol and with triethylamine and ethylenediamine as a component of adhesives for articles intended to contact food is more appropriately identified as polyurethane resins derived from the reactions of toluene diisocyanate or 4,4′-methylenebis (cyclohexylisocyanate) with fumaric acid-modified polypropylene glycol or fumaric acid-modified tripropylene glycol, triethylamine, and ethylenediamine as a component of adhesives for articles intended to contact food.

DATES: Written comments on the petitioner's environmental assessment by October 6, 1997.

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

FOR FURTHER INFORMATION CONTACT: Daniel N. Harrison, Center for Food Safety and Applied Nutrition (HFS–215), Food and Drug Administration, 200 C St. SW., Washington, DC 20204, 202–418–3084.

SUPPLEMENTARY INFORMATION: In a notice published in the **Federal Register** of May 10, 1990 (55 FR 19667), FDA announced that a food additive petition (FAP OB4201) had been filed by Olin Corp., 120 Long Ridge Rd., Stamford, CT 06904, proposing that § 175.105 *Adhesives* (21 CFR 175.105) be amended to provide for the safe use of polyurethane resins derived from the reaction of toluene diisocyanate or 4,4′-methylenebis (cyclohexylisocyanate) with carboxylic acid-modified polypropylene glycol and with triethylamine and ethylenediamine as a component of adhesives for articles intended to contact food.

Upon further review of the petition, the agency has determined that the petition specifically requests the use of polyurethane resins derived from the reaction of toluene diisocyanate or 4,4′-methylenebis (cyclohexylisocyanate) with fumaric acid-modified polypropylene glycol or fumaric acid-modified tripropylene glycol, triethylamine, and ethylenediamine as a component of adhesives for articles intended to contact food. Therefore, FDA is amending the filing notice of May 10, 1990, to state that the petitioner requests that the food additive regulations be amended to provide for the safe use of polyurethane resins derived from the reaction of toluene diisocyanate or 4,4′-methylenebis (cyclohexylisocyanate) with fumaric acid-modified polypropylene glycol or fumaric acid-modified tripropylene glycol, triethylamine, and ethylenediamine as a component of adhesives for articles intended to contact food.

The potential environmental impact of this action is being reviewed. To encourage public participation consistent with regulations promulgated under the National Environmental Policy Act (40 CFR 1501.4(b)), the agency is placing the environmental assessment submitted with the petition that is the subject of this notice on public display at the Dockets Management Branch (address above) for public review and comment. Interested persons may, on or before October 6, 1997, submit to the Dockets Management Branch (address above) written comments. Two copies of any comments are to be submitted, except that individuals may submit one copy. Comments are to be identified with the docket number found in brackets in the heading of this document. Received comments may be seen in the office above between 9 a.m. and 4 p.m., Monday through Friday. FDA will also place on public display any amendments to, or comments on, the petitioner's environmental assessment without further announcement in the **Federal Register**. If, based on its review, the agency finds that an environmental impact statement is not required and this petition results in a regulation, the notice of availability of the agency's finding of no significant impact and the evidence supporting that finding will be published with the regulation in the

Federal Register in accordance with 21 CFR 25.40(c).

Dated: August 25, 1997.

Alan M. Rulis,

Director, Office of Premarket Approval, Center for Food Safety and Applied Nutrition.

[FR Doc. 97–23588 Filed 9-4-97; 8:45 am]

BILLING CODE 4160–01–F

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Food and Drug Administration

[Docket No. 97D–0268]

Draft Guidance for Industry on Submission of Documentation in Drug Applications for Container Closure Systems Used for the Packaging of Human Drugs and Biologics; Availability; Extension of Comment Period

AGENCY: Food and Drug Administration, HHS.

ACTION: Notice; extension of comment period.

SUMMARY: The Food and Drug Administration (FDA) is extending to November 14, 1997, the comment period on the agency's draft guidance for industry entitled ''Submission of Documentation in Drug Applications for Container Closure Systems Used for the Packaging of Human Drugs and Biologics.'' FDA published a notice of the availability of the draft guidance in the **Federal Register** of July 15, 1997 (62 FR 37925). FDA is extending the comment period in response to requests from the industry for additional time to review and comment on the draft guidance.

DATES: Written comments by November 14, 1997. General comments on agency guidance documents are welcomed at any time.

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

FOR FURTHER INFORMATION CONTACT: Alan C. Schroeder, Center for Drug Evaluation and Research (HFD–570), 5600 Fishers Lane, Rockville, MD 20857, 301–827–1050.

SUPPLEMENTARY INFORMATION: In the **Federal Register** of July 15, 1997, FDA published a notice announcing the availability of a draft guidance for industry entitled ''Submission of Documentation in Drug Applications for Container Closure Systems Used for the Packaging of Human Drugs and Biologics.'' The draft guidance discusses information on container closure systems used in packaging drugs that manufacturers should provide to FDA's Center for Drug Evaluation and Research in meeting regulatory requirements for new drug applications, abbreviated new drug applications, investigational new drug applications, abbreviated antibiotic applications, and supplements to these applications, and to the Center for Biologics Evaluation and Research in meeting requirements for biologics license applications and product license applications. The notice invited interested persons to submit written comments on the draft guidance by September 15, 1997.

FDA has received requests from several industry sources for additional time to review the draft guidance on container closure systems. FDA has considered these requests and is extending the comment period for 60 days.

Interested persons may, on or before November 14, 1997, submit to the Dockets Management Branch (address above) written comments on the draft guidance. Two copies of any comments are to be submitted, except that individuals may submit one copy. Comments are to be identified with the docket number found in brackets in the heading of this document. The draft guidance and received comments may be seen in the office above between 9 a.m. and 4 p.m., Monday through Friday.

Dated: August 29, 1997.

William B. Schultz,

Deputy Commissioner for Policy.

[FR Doc. 97–23586 Filed 9–4–97; 8:45 am]

BILLING CODE 4160–01–F

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Health Care Financing Administration

[Document Identifier: HCFA–R–211]

Emergency Clearance: Public Information Collection Requirements Submitted to the Office of Management and Budget (OMB)

In compliance with the requirement of section 3506(c)(2)(A) of the Paperwork Reduction Act of 1995, the Health Care Financing Administration (HCFA), Department of Health and Human Services, has submitted to the Office of Management and Budget (OMB) the following proposal for the collection of information. We are requesting an emergency review because the collection of this information is needed prior to the expiration of the normal time limits under OMB's regulations at 5 C.F.R. Part 1320, in order for States to apply for funds to enable them to initiate and expand the provision of child health assistance to uninsured, low-income children in an effective and efficient manner that is coordinated with other sources of health benefits coverage for children. States are able to use Title XXI funds for: (1) Establishing or expanding a separate child health insurance program, (2) expanding Medicaid coverage, or (3) through a combination of both. The Agency cannot reasonably comply with the normal clearance procedures because public harm is likely to result if normal clearance procedures are followed.

HCFA is requesting that OMB provide a Three Day review and a 180-day approval.

Type of Information Collection Request: New Collection; Title of Information Collection: State Child Health Plan; Form No.: HCFA–R–211; Use: This template will enable states to apply for funds to initiate and expand the provision of child health insurance to uninsured, low income children in a effective and efficient manner that is coordinated with other sources of health coverage for children; Affected Public: State, Local or Tribal Government; Number of Respondents: 56; Total Annual Responses: 56; Total Annual Hours: 8,960.

To request copies of the proposed paperwork collections referenced above, call the Reports Clearance Office on (410) 786–1326. Written comments and recommendations for the proposed information collections should be sent within 30 days of this notice directly to the OMB Desk Officer designated at the following address: OMB Human Resources and Housing Branch, Attention: Laura Oliven, New Executive Office Building, Room 10235, Washington, D.C. 20503.

Dated: August 29, 1997.

William Broglie,

HCFA Reports Clearance Officer, HCFA, Office of Information Services, Information Technology Investment Management Group, Division of HCFA Enterprise Standards.

[FR Doc. 97–23591 Filed 9–4–97; 8:45 am]

BILLING CODE 4120–03–P

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

[Docket No. FR–4235–N–19]

Federal Property Suitable as Facilities To Assist the Homeless

AGENCY: Office of the Assistant Secretary for Community Planning and Development, HUD.

ACTION: Notice.

SUMMARY: This Notice identifies unutilized, underutilized, excess, and surplus Federal property reviewed by HUD for suitability for possible use to assist the homeless.

FOR FURTHER INFORMATION CONTACT: Mark Johnston, room 7256, Department of Housing and Urban Development, 451 Seventh Street SW, Washington, DC 20410; telephone (202) 708–1226; TDD number for the hearing- and speech-impaired (202) 708–2565 (these telephone numbers are not toll-free), or call the toll-free Title V information line at 1–800–927–7588.

SUPPLEMENTARY INFORMATION: In accordance with 24 CFR part 581 and section 501 of the Stewart B. McKinney Homeless Assistance Act (42 U.S.C. 11411), as amended, HUD is publishing this Notice to identify Federal buildings and other real property that HUD has reviewed for suitability for use to assist the homeless. The properties were reviewed using information provided to HUD by Federal landholding agencies regarding unutilized and underutilized buildings and real property controlled by such agencies or by GSA regarding its inventory of excess or surplus Federal property. This Notice is also published in order to comply with the December 12, 1988 Court Order in *National Coalition for the Homeless* v. *Veterans Administration,* No. 88–2503–OG (D.D.C.).

Properties reviewed are listed in this Notice according to the following categories: Suitable/available, suitable/unavailable, suitable/to be excess, and unsuitable. The properties listed in the three suitable categories have been reviewed by the landholding agencies, and each agency has transmitted to HUD: (1) Its intention to make the property available for use to assist the homeless, (2) its intention to declare the property excess to the agency's needs, or (3) a statement of the reasons that the property cannot be declared excess or make available for use as facilities to assist the homeless.

Properties listed as suitable/available will be available exclusively for homeless use for a period of 60 days from the date of this Notice. Homeless assistance providers interested in any such property should send a written expression of interest to HHS, addressed to Brian Rooney, Division of Property Management, Program Support Center, HHS, room 5B–41, 5600 Fishers Lane, Rockville, MD 20857; (301) 443–2265. (This is not a toll-free number.) HHS will mail to the interested provider an application packet, which will include instructions for completing the application. In order to maximize the opportunity to utilize a suitable property, providers should submit their written expressions of interest as soon as possible. For complete details concerning the processing of applications, the reader is encouraged to refer to the interim rule governing this program, 24 CFR part 581.

For properties listed as suitable/to be excess, that property may, if subsequently accepted as excess by GSA, be made available for use by the homeless in accordance with applicable law, subject to screening for other Federal use. At the appropriate time, HUD will publish the property in a Notice showing it as either suitable/available or suitable/unavailable.

For properties listed as suitable/unavailable, the landholding agency has decided that the property cannot be declared excess or made available for use to assess the homeless, and the property will be available.

Properties listed as unsuitable will not be made available for any other purpose for 20 days from the date of this Notice. Homeless assistance providers interested in a review by HUD of the determination of unsuitability should call the toll free information line at 1–800–927–7588 for detailed instructions or write a letter to Mark Johnson at the address listed at the beginning of this Notice. Include in the request for review should be the property address (including zip code), the date of publication in the **Federal Register,** the landholding agency, and the property number.

For more information regarding particular properties identified in this Notice (*i.e.,* acreage, floor plan, existing sanitary facilities, exact street address), providers should contact the appropriate landholding agencies at the following addresses: AIR FORCE: Ms. Barbara Jenkins, Air Force Real Estate Agency, (Area—MI), Bolling Air Force Base, 112 Luke Avenue, Suite 104, Building 5683, Washington, DC 20332–8020; (202) 767–4184; ENERGY: Ms. Marsha Penhaker, Department of Energy, Facilities Planning and Acquisition Branch, FM–20, Room 6H–058, Washington, DC 20585; (202) 586–0426; GSA: Mr. Brian K. Polly, Assistant Commissioner, General Services Administration, Office of Property Disposal, 18th and F Streets, NW, Washington, DC 20405; (202) 501–2059; INTERIOR: Ms. Lola D. Knight, Department of the Interior, 1849 C Street, NW, Mail Stop 5512–MIB, Washington, DC 20240; (202) 208–4080; NAVY: Mr. Charles C. Cocks, Department of the Navy, Director, Real Estate Policy Division, Naval Facilities Engineering Command, Code 241A, 200 Stovall Street, Alexandria, VA 22332–2300; (703) 325–7342; DOT: Mr. Philip Rockmaker, Acting Principal, Space Management, SVC–140, Transportation Administration Service Center, Department of Transportation, 400 7th Street, SW, Room 2310, Washington, DC 20590; (202)–366–4246; VA: Mr. George L. Szwarcman, Director, Land Management Service, 184A, Department of Veterans Affairs, 811 Vermont Avenue, NW, Room 414, Lafayette Bldg., Washington, DC 20420; (202) 565–5941; (These are not toll-free numbers).

Dated: August 28, 1997.

Fred Karnas, Jr.,

Deputy Assistant Secretary for Economic Development.

TITLE V, FEDERAL SURPLUS PROPERTY PROGRAM, FEDERAL REGISTER REPORT FOR 09/05/97

Suitable/Available Properties

Building (by State)

Arizona

38 Family Housing
Gila Bend AF Auxiliary Field
Gila Bend Co: Maricopa AZ 86025–
Landholding Agency: Air Force
Property Number: 189510036
Status: Excess
Comment: 1170 sq. ft. ea., 1 story relocatable framed residences, good condition, secured area w/alternate access

26 Family Housing
Gila Bend AF Auxiliary Field
Gila Bend Co: Maricopa AZ 86025–
Landholding Agency: Air Force
Property Number: 189510037
Status: Excess
Comment: 1456 sq. ft. ea., 1 story slump block frame residences, off-site removal only, good condition

18 Detached Garages
Gila Bend AF Auxiliary Field
Gila Bend Co: Maricopa AZ 86025–
Location: Inc. bldgs. 630, 640, 680, 710, 720, 740, 760, 790, 800, 820, 840, 870, 880, 910, 920, 950, 960 on Milan Loop
Landholding Agency: Air Force
Property Number: 189510039
Status: Excess
Comment: 186 sq. ft. ea., wood frame, 1 story, good condition, off-site removal only, most recent use—storage

Facility # 1004
Gila Bend AF Auxiliary Filed

Gila Bend Co: Maricopa AZ 86025–
Landholding Agency: Air Force
Property Number: 189510040
Status: Excess
Comment: 1734 sq. ft., slump blocks frame, 1 story, good condition, off—site removal only, most recent use—residence

Facility # 4250
Gila Bend AF Auxiliary Field
Gila Bend Co: Maricopa AZ 86025–
Landholding Agency: Air Force
Property Number: 189510043
Status: Excess
Comment: 7800 sq. ft., prefab steel frame, 2 story, good condition, off-site removal only, most recent use—dormitory

Facility # 4252
Gila Bend AF Auxiliary Field
Gila Bend Co: Maricopa AZ 86025–
Landholding Agency: Air Force
Property Number: 189510044
Status: Excess
Comment: 144 sq. ft., metal frame, 1 story, good condition, off-site removal only, most recent use—storage

California

Bldg. 604
Point Arena Air Force Station
Co: Mendocino CA 95468–5000
Landholding Agency: Air Force
Property Number: 189010237
Status: Unutilized
Comment: 1232 sq. ft.; stucco-wood frame; most recent use—housing

Bldg. 605
Point Arena Air Force Station
Co: Mendocino CA 95468–5000
Landholding Agency: Air Force
Property Number: 189010238
Status: Unutilized
Comment: 1232 sq. ft.; stucco-wood frame; most recent use—housing

Bldg. 612
Point Arena Air Force Station
Co: Mendocino CA 95468–5000
Landholding Agency: Air Force
Property Number: 189010239
Status: Unutilized
Comment: 1232 sq. ft.; stucco-wood frame; most recent use—housing

Bldg. 611
Point Arena Air Force Station
Co: Mendocino CA 95468–5000
Landholding Agency: Air Force
Property Number: 189010240
Status: Unutilized
Comment: 1232 sq. ft.; stucco-wood frame; most recent use—housing

Bldg. 613
Point Arena Air Force Station
Co: Mendocino CA 95468–5000
Landholding Agency: Air Force
Property Number: 189010241
Status: Unutilized
Comment: 1232 sq. ft.; stucco-wood frame; most recent use—housing

Bldg. 614
Point Arena Air Force Station
Co: Mendocino CA 95648–5000
Landholding Agency: Air Force
Property Number: 189010242
Status: Unutilized
Comment: 1232 sq. ft.; stucco-wood frame; most recent use—housing

Bldg. 615
Point Arena Air Force Station
Co: Mendocino CA 95468–5000
Landholding Agency: Air Force
Propety Number: 189010243
Status: Unutilized
Comment: 1232 sq. ft.; stucco-wood frame; most recent use—housing

Bldg. 616
Point Arena Air Force Station
Co: Mendocino CA 95468–5000
Landholding Agency: Air Force
Property Number: 189010244
Status: Unutilized
Comment: 1232 sq. ft.; stucco-wood frame; most recent use—housing

Bldg. 617
Point Arena Air Force Station
Co: Mendocino CA 95468–5000
Landholding Agency: Air Force
Property Number: 189010245
Status: Unutilized
Comment: 1232 sq. ft.; stucco-wood frame; most recent use—housing

Bldg. 618
Point Arena Air Force Station
Co: Mendocino CA 95468–5000
Landholding Agency: Air Force
Property Number: 189010246
Status: Unutilized
Comment: 1232 sq. ft.; stucco-wood frame; most recent use—housing; needs rehab

112 Bldgs.—Skaggs Island
Naval Security Group
Skaggs Island Co: Sonoma CA
Landholding Agency: GSA
Property Number: 549730001
Status: Excess
Comment: 32–13, 374 sq. ft., temp. quonset huts to perm. wood/concrete most recent use—housing, admin., support facilities, remote location, below sea level, high maintenance
GSA Number: 9–N–CA–1488

Visitor Motel—Upper Kaweah
Sequoia National Park
Three Rivers CA 93271–
Landholding Agency: Interior
Property Number: 619720007
Status: Unutilized
Comment: 39403 sq. ft., wood, 2-story, needs repair, presence of asbestos/lead paint, off-site use only

Bldg. 20—VA Medical Center
Wilshire & Sawtelle Blvds.
Los Angeles Co: Los Angeles CA 90073–
Landholding Agency: VA
Property Number: 979210003
Status: Unutilized
Comment: 8758 gross sq. ft., one story wooden, requires complete restoration meeting standards of national preservation laws and guidelines

Bldg. 13, VA Medical Center
Wilshire and Sawtelle Blvds.
Los Angeles Co: Los Angeles CA 90073–
Landholding Agency: VA
Property Number: 979220001
Status: Underutilized
Comment: portion of 66,165 sq. ft. bldg., needs major rehab, no util., pres. of asbestos, in historic district, potential to be hazardous due to storage of radioactive material nearby

Bldg. 156, VAMC
Wilshire & Sawtelle Blvds.
Los Angeles Co: Los Angeles CA 90073–
Landholding Agency: VA
Property Number: 979230015
Status: Underutilized
Comment: portion of 39,454 sq. ft. bldg., presence of asbestos, needs rehab, seismic reinforcement deficiencies, in his. district, potentially hazardous due to nearby radioactive material

Connecticut

Pier 7
Naval Undersea Warfare Center
New London Co: New London CT 06320–5594
Landholding Agency: Navy
Property Number: 779710063
Status: Excess
Comment: 700′ long by 30′ wide, rectangular shaped reinforced concrete pier

Florida

Bldg. 244
MacDill Auxiliary Airfield No. 1
Avon Park Co: Polk FL 33825–
Landholding Agency: Air Force
Property Number: 189520001
Status: Excess
Comment: 6239 sq. ft., masonry frame, needs rehab, secured area w/alternate access, most recent use—commissary

Bldg. 242
MacDill Auxiliary Airfield No. 1
Avon Park Co: Polk FL 33825–
Landholding Agency: Air Force
Property Number: 189520002
Status: Excess
Comment: 8554 sq. ft., steel frame module, secured area w/alternate access, most recent use—exchange branch

Bldg. 427
MacDill Auxiliary Airfield No. 1
Avon Park Co: Polk FL 33825–
Landholding Agency: Air Force
Property Number: 189520003
Status: Excess
Comment: 5258 sq. ft., metal & masonry frame, secured area w/alternate access, most recent use—bowling center

Facility No. 0001
Cocoa Beach Comm. Annex No. 2
Cocoa Beach Co: Brevard FL 32931–
Landholding Agency: Air Force
Property Number: 189610010
Status: Unutilized
Comment: telephone switchgear bldg., 474 sq. ft., possible asbestos

Facility No. 00901
Cocoa Beach Comm. Annex No. 1
Cocoa Beach Co: Brevard FL 32931–
Landholding Agency: Air Force
Property Number: 189610011
Status: Unutilized
Comment: 1100 sq. ft., telephone switch bldg., possible asbestos

Hawaii

Bldg. S87, Radio Trans. Fac.
Lualualei, Naval Station, Eastern Pacific
Wahiawa Co: Honolulu HI 96786–3050
Landholding Agency: Navy
Property Number: 779240011
Status: Unutilized
Comment: 7566 sq. ft., 1-story, needs rehab, most recent use—storage, off-site use only

Bldg. 466, Radio Trans. Fac.
Lualualei, Naval Station, Eastern Pacific
Wahiawa Co: Honolulu HI 96786–3050
Landholding Agency: Navy
Property Number: 779240012
Status: Unutilized
Comment: 100 sq. ft., 1 story, needs rehab, most recent use—gas station, off-site use only

Bldg. T33 Radio Trans Facility
Naval Computer & Telecommunications Area
Wahiawa Co: Honolulu HI 96786–3050
Landholding Agency: Navy
Property Number: 779310003
Status: Unutilized
Comment: 1536 sq. ft., 1 story, access restrictions, needs rehab, most recent use—storage, off-site use only

Bldg. 64, Radio Trans Facility
Naval Computer & Telecommunications Area
Wahiawa Co: Honolulu HI 96786–3050
Landholding Agency: Navy
Property Number: 779310004
Status: Unutilized
Comment: 3612 sq. ft., 1 story, access restrictions, needs rehab, most recent use—storage, off-site use only

Bldg. 594
Naval Station, Pearl Harbor
Pearl Harbor Co: Honolulu HI 96860–
Landholding Agency: Navy
Property Number: 779620011
Status: Unutilized
Comment: 1300 sq. ft., most recent use—parking garage, off-site use only

Bldgs. S233–S234, S241–S244
Naval Station, Pearl Harbor
Pearl Harbor Co: Honolulu HI 96860–
Landholding Agency: Navy
Property Number: 779620012
Status: Unutilized
Comment: 90 sq. ft. each, need repairs, most recent use—storage, off-site use only

Bldgs. S229–S232
Naval Station, Pearl Harbor
Pearl Harbor Co: Honolulu HI 96860–
Landholding Agency: Navy
Property Number: 779620013
Status: Unutilized
Comment: 180 sq. ft. each, need repairs, most recent use—storage, off-site use only

Bldg. 4, Naval Station
Pearl Harbor, Bishop Point (Hickam AFB)
Pearl Harbor Co: Honolulu HI 96860–
Landholding Agency: Navy
Property Number: 779620043
Status: Unutilized
Comment: 576 sq. ft., needs rehab, most recent use—storage, off-site use only

Bldg. 20, Naval Station
Pearl Harbor, Bishop Point (Hickam AFB)
Pearl Harbor Co: Honolulu HI 96860–
Landholding Agency: Navy
Property Number: 779620044
Status: Unutilized
Comment: 252 sq. ft., needs rehab, most recent use—storage, off-site use only

Bldg. 442, Naval Station
Ford Island
Pearl Harbor Co: Honolulu HI 96860–
Landholding Agency: Navy
Property Number: 779630088
Status: Excess
Comment: 192 sq. ft., most recent use—storage, off-site use only

Bldg. S180
Naval Station, Ford Island
Pearl Harbor Co: Honolulu HI 96860–
Landholding Agency: Navy
Property Number: 779640039
Status: Unutilized
Comment: 3412 sq. ft., 2 story, most recent use—bomb shelter, off-site use only, relocation may not be feasible

Bldg. S181
Naval Station, Ford Island
Pearl Harbor Co: Honolulu HI 96860–
Landholding Agency: Navy
Property Number: 779640040
Status: Unutilized
Comment: 4258 sq. ft., 1 story, most recent use—bomb shelter, off-site use only, relocation may not be feasible

Bldg. 219
Naval Station, Ford Island
Pearl Harbor Co: Honolulu HI 96860–
Landholding Agency: Navy
Property Number: 779640041
Status: Unutilized
Comment: 620 sq. ft., most recent use—damage control, off-site use only, relocation may not be feasible

Bldg. 220
Naval Station, Ford Island
Pearl Harbor Co: Honolulu HI 96860–
Landholding Agency: Navy
Property Number: 779640042
Status: Unutilized
Comment: 620 sq. ft., most recent use—damage control, off-site use only, relocation may not be feasible

Bldg. 222
Naval Station, Ford Island
Pearl Harbor Co: Honolulu HI 96860–
Landholding Agency: Navy
Property Number: 779640043
Status: Unutilized
Comment: 620 sq. ft., most recent use—damage control, off-site use only, relocation may not be feasible

Bldg. 148, Hale Moku Housing
Navy Public Works Center, Pearl Harbor
Pearl Harbor Co: Honolulu HI 96818–
Landholding Agency: Navy
Property Number: 779720122
Status: Excess
Comment: 2138 sq. ft., concrete/masonry/wood, needs major rehab, off-site use only

Idaho

Bldg. 121
Mountain Home Air Force Base
Main Avenue
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

Bldg. 2201
Mountian Home Air Force Base
Mountain Home Co: Elmore ID 83648–
Landholding Agency: Air Force
Property Number: 189520005
Status: Underutilized
Comment: 6804 sq. ft., 1 story wood frame, most recent use—temporary garage for base fire dept. vehicles, presence of lead paint and asbestos shingles

Indiana

Bldg. 140, VAMC
East 38th Street
Marion Co: Grant IN 46952–
Landholding Agency: VA
Property Number: 979230007
Status: Underutilized
Comment: 60 sq. ft., concrete block bldg., most recent use—trash house, access restrictions

Maine

Bldgs. 1001–1005, 1131–1140
Charleston Family Housing Randolph/Union/Maxwell
Bangor Co: Penobscot ME 04401–
Landholding Agency: Air Force
Property Number: 189640023
Status: Unutilized
Comment: 15 duplex homes with 30 4-bedroom housing units, each unit=2605 sq. ft. w/one car garage

Bldgs. 1126–1130
Charleston Family Housing
Randolph Drive
Bangor Co: Penobscot ME 04401–
Landholding Agency: Air Force
Property Number: 189640024
Status: Unutilized
Comment: 5 duplex homes with 10 4-bedroom housing units, each unit=1451 sq. ft. with one car garage

Bldgs 1141–1143
Charleston Family Housing
Maxwell Lane
Bangor Co: Penobscot ME 04401–
Landholding Agency: Air Force
Property Number: 189640025
Status: Unutilized
Comment: 3 4-bedroom housing units, each unit=2675 sq. ft. w/one car garage

Bldgs. 1144–1147, 1159–1162
Charleston Family Housing
Randolph Drive
Bangor Co: Penobscot ME 04401–
Landholding Agency: Air Force
Property Number: 189640026
Status: Unutilized
Comment: 8 4-bedroom housing units, each unit=1537 sq. ft. w/one car garage

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: 189010807
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; potential utilities; 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

Parcel 1
Old Lifeboat Station
East Tawas Co: Iosco MI
Landholding Agency: GSA
Property Number: 549730011
Status: Excess
Comment: 2062 sq. ft. station bldg., garage, boathouse, oilhouse, possible asbestos/lead paint, eligible for listing on National Register of Historic Places
GSA Number: 1–UU–MI–500

Parcel 2
Tawas Point Lighthouse
East Tawas Co: Iosco MI
Landholding Agency: GSA
Property Number: 549730012
Status: Excess
Comment: lighthouse, duplex dwelling, garage, storage, possible asbestos/lead paint, wetlands, listed on National Register of Historic Places, restricted access
GSA Number; 1–U–MI–500

Montana

Facility #1
Havre Training Site
Co: Hill MT 59501–
Landholding Agency: Air Force
Property Number: 189530047
Status: Excess
Comment: 6843 sq. ft., 1 story brick frame, good condition, most recent use-technical training site

Bldg. 110
Forsyth Training Site
Co: Rosebud MT
Landholding Agency: Air Force
Property Number: 189610001
Status: Unutilized
Comment: 6843 sq. ft., needs repair, on top of bluff, most recent use—offices

Bldg. 112
Forsyth Training Site
Co: Rosebud MT
Landholding Agency: 189610002
Status: Unutilized
Comment: 586 sq. ft., most recent use—cold storage

Nebraska

Bldg. 20
Offutt Communications Annex 4
Silver Creek Co: Nance NE 68663–
Landholding Agency: Air Force
Property Number: 189610004
Status: Unutilized
Comment: 4714 sq. ft., most recent use—dormitory

New Jersey

Former Tyberg Residence
National Park Service
Wallpack Co: Sussex NJ 07881–
Landholding Agency: Interior
Property Number: 619720053
Status: Unutilized
Comment: most recent use—housing, off-site use only

North Carolina

Bldg. 128, Camp Lejeune
Greater Sandy Run Training Area
Camp Lejeune Co: Onslow NC 28542–
Landholding Agency: Navy
Property Number: 779620028
Status: Unutilized
Comment: 2008 sq. ft., 2-story, most recent use—residence, may have State historical significance, off-site use only

Bldg. 146, Camp Lejeune
Greater Sandy Run Training Area
Camp Lejeune Co: Onslow NC 28542–
Landholding Agency: Navy
Property Number: 779620029
Status: Unutilized
Comment: 1900 sq. ft., concrete block, most recent use—gas station, off-site use only

Bldg. 117, Camp Lejeune
Greater Sandy Run Training Area
Camp Lejeune Co: Onslow NC 28542–
Landholding Agency: Navy
Property Number: 779720042
Status: Unutilized
Comment: 1456 sq. ft., frame, off-site use only

Bldg. 118, Camp Lejeune
Greater Sandy Run Training Area
Camp Lejeune Co: Onslow NC 28542–
Landholding Agency: Navy
Property Number: 779720043
Status: Unutilized
Comment: 1456 sq. ft., frame, off-site use only

Pennsylvania

Former Florio House
National Park Service
Bushkill Co: Monroe PA 18324–
Landholding Agency: Interior
Property Number: 619720050
Status: Unutilized
Comment: 936 sq. ft. frame, most recent use—housing, off-site use only

Former Hardtla House
Raymondskill
Milford Co: Pike PA
Landholding Agency: Interior
Property Number 619720051
Status: Unutilized
Comment: 1527 sq. ft. frame, 2-story, needs repair, most recent use—housing, off-site use only

Former Hickman House
National Park Service
Bushkill Co: Monroe PA 18324–
Landholding Agency: Interior
Property Number: 619720052
Status: Unutilized
Comment: approx. 1604 sq. ft. frame, 2-story, most recent use—housing, off-site use only

Bldg. 25—VA Medical Center
Delafield Road
Pittsburgh Co: Allegheny Pa 15215–
Landholding Agency: VA
Property Number: 979210001
Status: Unutilized
Comment: 133 sq. ft., one story brick guard house, needs rehab

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

Bryan Federal Building
216 W 26th Street
Bryan Co: Brazos TX 77801–
Landholding Agency: GSA
Property Number: 549730003
Status: Underutilized
Comment: portion of 4000 sq. ft. bldg., most recent use—office, limitations due to potential historic significance
GSA Number: 7–G–TX–1048

Bldg. 110
Fort Crockett/43rd St. Housing
Galveston Co: Galveston TX 77553–
Landholding Agency: DOT
Property Number: 879630006
Status: Unutilized
Comment: 500 sq. ft., most recent use—garage, historic properties

Bldg. 109
Fort Crockett/43rd St. Housing
Galveston Co: Galveston TX 77553–
Landholding Agency: DOT
Property Number: 879630007
Status: Unutilized
Comment: 2880 sq. ft. per floor, 2-story, most recent use—residential, historic properties

Bldg. 428
Fort Crockett/53rd St. Housing
Galveston Co: Galveston TX 77553–
Landholding Agency: DOT
Property Number: 879630009
Status: Unutilized
Comment: 2700 sq. ft., most recent use—warehouse/office, historic properties

Bldg. 433
Fort Crockett/53rd St. Housing
Galveston Co: Galveston TX 77553–
Landholding Agency: DOT

Property Number: 879630010
Status: Unutilized
Comment: 1632 sq. ft. per floor, 2-story, most recent use—residential, historic properties

Bldg. 439
Fort Crockett/53rd St. Housing
Galveston Co: Galveston TX 77553–
Landholding Agency: DOT
Property Number: 879630011
Status: Unutilized
Comment: 1632 sq. ft. per floor, 2-story, most recent use—residential, historic properties

Bldg. 440
Fort Crockett/53rd St. Housing
Galveston Co: Galveston TX 77553–
Landholding Agency: DOT
Property Number: 879630012
Status: Unutilized
Comment: 1632 sq. ft. per floor, 2-story, most recent use—residential, historic properties

Bldg. 441
Fort Crockett/53rd St. Housing
Galveston Co: Galveston TX 77553–
Landholding Agency: DOT
Property Number: 879630013
Status: Unutilized
Comment: 1632 sq. ft. per floor, 2-story, most recent use—residential, historic properties

Bldg. 442
Fort Crockett/53rd St. Housing
Galveston Co: Galveston TX 77553–
Landholding Agency: DOT
Property Number: 879630014
Status: Unutilized
Comment: 1632 sq. ft. per floor, 2-story, most recent use—residential, historic properties

Bldg. 106
Fort Crockett/Seawall Blvd. Housing
Galveston Co: Galveston TX 77553–
Landholding Agency: DOT
Property Number: 879630015
Status: Unutilized
Comment: 2000 sq. ft., most recent use—garage, historic properties

Bldg. 105
Fort Crockett/Seawall Blvd. Housing
Galveston Co: Galveston TX 77553–
Landholding Agency: DOT
Property Number: 879630016
Status: Unutilized
Comment: 1634 sq. ft. per floor, 2-story, most recent use—residential, historic properties

Bldg. 104
Fort Crockett/Seawall Blvd. Housing,
Galveston Co: Galveston TX 77553–
Landholding Agency: DOT
Property Number: 879630017
Status: Unutilized
Comment: 1634 sq. ft. per floor, most recent use—residential, historic properties

Bldg. 103
Fort Crockett/Seawall Blvd. Housing
Galveston Co: Galveston TX 77553–
Landholding Agency: DOT
Property Number: 879630018
Status: Unutilized
Comment: 1634 sq. ft. per floor, 2-story, most recent use—residential, historic properties

Bldg. 102
Fort Crockett/Seawall Blvd. Housing
Galveston Co: Galveston TX 77553–
Landholding Agency: DOT
Property Number: 879630019
Status: Unutilized
Comment: 1634 sq. ft. per floor, 2-story, most recent use—residential, historic properties

Virginia

Young Property
Rt. 2, Box 547
Galax Co: Grayson VA 24333–
Landholding Agency: Interior
Property Number: 619640007
Status: Unutilized
Comment: 1113 sq. ft. residence, guest cottage, shop building, storage shed, off-site use only

Nichols Property
Rt. 2, Box 554
Galax Co: Grayson VA 24333–
Landholding Agency: Interior
Property Number: 619640009
Status: Unutilized
Comment: 1520 sq. ft. residence, off-site use only

Golding Property
Rt. 2, Box 555
Galax Co: Grayson VA 24333–
Landholding Agency: Interior
Property Number: 619640010
Status: Unutilized
Comment: 2224 sq. ft. residence, needs repair, barn, rental cottage, shed, off-site use only

Bldg. 1470
509 King Street
Portsmouth VA 23704–
Landholding Agency: Navy
Property Number: 779640044
Status: Unutilized
Comment: 21445 sq. ft., 3-story.

Bldg. U48
Naval Base Norfolk
Norfolk VA 23511–
Landholding Agency: Navy
Property Number: 779710011
Status: Excess
Comment: 19346 sq. ft., 2-story, off-site use only

Bldg. V17
Naval Base Norfolk
Norfolk VA 23511–
Landholding Agency: Navy
Property Number: 779710012
Status: Excess
Comment: 9720 sq. ft., most recent use—shop space, off-site use only

Bldg. V14
Naval Base Norfolk
Norfolk VA 23511–
Landholding Agency: Navy
Property Number: 779710013
Status: Excess
Comment: 2800 sq. ft., presence of lead paint, most recent use—storage, off-site use only

Bldg. V15
Naval Base Norfolk,
Norfolk VA 23511–
Landholding Agency: Navy
Property Number: 779710014
Status: Excess
Comment: 17179 sq. ft., presence of asbestos/lead paint, most recent use—shipboard repair, off-site use only

Bldg. V16
Naval Base Norfolk
Norfolk VA 23511–
Landholding Agency: Navy
Property Number: 779710015
Status: Excess
Comment: 2800 sq. ft., presence of lead paint, most recent use—part store, off-site use only

Bldg. V31
Naval Base Norfolk
Norfolk VA 23511–
Landholding Agency: Navy
Property Number: 779710016
Status: Excess
Comment: 23430 sq. ft., presence of lead paint/asbestos, off-site use only

Bldg. V38
Naval Base Norfolk
Norfolk VA 23511–
Landholding Agency: Navy
Property Number: 779710017
Status: Excess
Comment: 16096 sq. ft., presence of asbestos/lead paint, off-site use only

Bldg. B41
Naval Base Norfolk
Norfolk VA 23511–
Landholding Agency: Navy
Property Number: 779710018
Status: Excess
Comment: 12115 sq. ft., presence of asbestos/lead paint, off-site use only

Bldg. V114
Naval Base Norfolk,
Norfolk VA 23511–
Landholding Agency: Navy
Property Number: 779710019
Status: Excess
Comment: 3214 sq. ft., presence of asbestos/lead paint, most recent use—storage, off-site use only

Bldg. V135
Naval Base Norfolk
Norfolk VA 23511–
Landholding Agency: Navy
Property Number: 779710020
Status: Excess
Comment: 20016 sq. ft., presence of asbestos/lead paint, most recent use—storage, off-site use only

Bldg. V135A
Naval Base Norfolk
Norfolk VA 23511–
Landholding Agency: Navy
Propety Number: 779710021
Status: Excess
Comment: 144 sq. ft., presence of lead paint, most recent use—storage, off-site use only

Bldg. V135B
Naval Base Norfolk
Norfolk VA 23511–
Landholding Agency: Navy
Property Number: 779710022
Status: Excess
Comment: 2889 sq. ft., presence of lead paint, most recent use—storage, off-site use only

Bldg. V135C
Navel Base Norfolk
Norfolk VA 23511–
Landholding Agency: Navy
Property Number: 779710023
Status: Excess
Comment: 645 sq. ft., presence of lead paint, most recent use—storage, off-site use only

Bldg. V135D
Naval Base Norfolk
Norfolk VA 23511–
Landholding Agency: Navy

Property Number: 779710024
Status: Excess
Comment: 567 sq. ft., presence of lead paint, most recent use—storage, off-site use only

Bldg. V145
Naval Base Norfolk
Norfolk VA 23511–
Landholding Agency: Navy
Property Number: 779710025
Status: Excess
Comment: 1525 sq. ft., presence of lead paint, off-site use only

Bldg. LP22
Naval Base Norfolk
Norfolk VA 23511–
Landholding Agency: Navy
Property Number: 779710026
Status: Excess
Comment: 46844 gross sq. ft., needs repair, presence of asbestos/lead paint, off-site use only

Bldg. LP196
Naval Base Norfolk
Norfolk VA 23511–
Landholding Agency: Navy
Property Number: 779710027
Status: Excess
Comment: 297 gross sq. ft., off-site use only

Bldg. R49
Naval Base Norfolk
Norfolk VA 23511–
Landholding Agency: Navy
Property Number: 779710028
Status: Excess
Comment: 12000 gross sq. ft., needs repair, presene of asbestos/lead paint, off-site use only

Bldg. R56
Naval Base Norfolk
Norfolk VA 23511–
Landholding Agency: Navy
Property Number: 779710029
Status: Excess
Comment: 4000 gross sq. ft., needs repair, presence of asbestos/lead paint, off-site use only

Bldg. R60
Naval Base Norfolk
Norfolk VA 23511–
Landholding Agency: Navy
Property Number: 779710030
Status: Excess
Comment: 3970 gross sq. ft., needs repair, presence of asbestos/lead paint, off-site use only

Bldg. V27
Naval Base Norfolk
Norfolk VA 23511–
Landholding Agency: Navy
Property Number: 779710031
Status: Excess
Comment: 12852 gross sq. ft., needs repair, presence of asbestos/lead paint, off-site use only

Bldg. V42
Naval Base Norfolk
Norfolk VA 23511–
Landholding Agency: Navy
Property Number: 779710032
Status: Excess
Comment: 13026 gross sq. ft., needs repair, presence of asbestos/lead paint, off-site use only

Bldg. V44
Naval Base Norfolk
Norfolk VA 23511–
Landholding Agency: Navy
Property Number: 779710033
Status: Excess
Comment: 736 gross sq. ft., needs repair, presence of asbestos/lead paint, off-site use only

Bldg. V48
Naval Base Norfolk
Norfolk VA 23511–
Landholding Agency: Navy
Property Number: 779710034
Status: Excess
Comment: 2408 gross sq. ft., presence of asbestos, off-site use only

Bldg. LP176
Naval Base Norfolk
Norfolk VA 23511–
Landholding Agency: Navy
Property Number: 779710035
Status: Excess
Comment: 25611 gross sq. ft., off-site use only

Bldg. U47
Naval Base Norfolk
Norfolk VA 23511–
Landholding Agency: Navy
Property Number: 779710036
Status: Excess
Comment: 1000 gross sq. ft., off-site use only

Bldg. V43
Naval Base Norfolk
Norfolk VA 23511–
Landholding Agency: Navy
Property Number: 779710037
Status: Excess
Comment: 8754 gross sq. ft., presence of asbestos, off-site use only

Bldg. V45
Naval Base Norfolk
Norfolk VA 23511–
Landholding Agency: Navy
Property Number: 779710038
Status: Excess
Comment: 1343 gross sq. ft., battery contamination, presence of asbestos, off-site use only

Bldg. LF38
Naval Base Norfolk
Norfolk VA 23511–
Landholding Agency: Navy
Property Number: 779710039
Status: Excess
Comment: 5292 gross sq. ft., needs repair, off-site use only

Bldg. V30AQ
Naval Base Norfolk
Norfolk VA 23511–
Landholding Agency: Navy
Property Number: 779710040
Status: Excess
Comment: 340 gross sq. ft., needs repair, most recent use—storage, off-site use only

Bldg. V102
Naval Base Norfolk
Norfolk VA 23511–
Landholding Agency: Navy
Property Number: 779710041
Status: Excess
Comment: 4000 gross sq. ft., off-site use only

Bldg. V109
Naval Base Norfolk
Norfolk VA 23511–
Landholding Agency: Navy
Property Number: 779710042
Status: Excess
Comment: 646 gross sq. ft., off-site use only

Bldg. 34
Naval Base Norfolk, St. Julien's Creek Annex
Co: Chesapeake VA
Landholding Agency: Navy
Property Number: 779710046
Status: Excess
Comment: 1260 sq. ft., off-site use only

Bldg. 91
Naval Base Norfolk, St. Julien's Creek Annex
Co: Chesapeake VA
Landholding Agency: Navy
Property Number: 779710047
Status: Excess
Comment: 780 sq. ft., off-site use only

Bldg. 141
Naval Base Norfolk, St. Julien's Creek Annex
Co: Chesapeake VA
Landholding Agency: Navy
Property Number: 779710048
Status: Excess
Comment: 414 sq. ft., off-site use only

Bldg. 213
Naval Base Norfolk, St. Julien's Creek Annex
Co: Chesapeake VA
Landholding Agency: Navy
Property Number: 779710049
Status: Excess
Comment: 1328 sq. ft., off-site use only

Bldg. 224
Naval Base Norfolk, St. Julien's Creek Annex
Co: Chesapeake VA
Landholding Agency: Navy
Property Number: 779710050
Status: Excess
Comment: 512 sq. ft., off-site use only

Bldgs. 237–238
Naval Base Norfolk, St. Julien's Creek Annex
Co: Chesapeake VA
Landholding Agency: Navy
Property Number: 779710051
Status: Excess
Comment: 63 sq. ft. each, off-site use only

Bldgs. 241–243
Naval Base Norfolk, St. Julien's Creek Annex
Co: Chesapeake VA
Landholding Agency: Navy
Property Number: 779710052
Status: Excess
Comment: 144 sq. ft. each, off-site use only

Bldg. 251
Naval Base Norfolk, St. Julien's Creek Annex
Co: Chesapeake VA
Landholding Agency: Navy
Property Number: 779710053
Status: Excess
Comment: 1134 sq. ft., off-site use only

Bldg. 254
Naval Base Norfolk, St. Julien's Creek Annex
Co: Chesapeake VA
Landholding Agency: Navy
Property Number: 779710054
Status: Excess
Comment: 156 sq. ft., off-site use only

Bldg. 280
Naval Base Norfolk, St. Julien's Creek Annex
Co: Chesapeake VA
Landholding Agency: Navy
Property Number: 779710055
Status: Excess
Comment: 126 sq. ft., off-site use only

Bldg. 357
Naval Base Norfolk, St. Julien's Creek Annex
Co: Chesapeake VA
Landholding Agency: Navy
Property Number: 779710056
Status: Excess
Comment: 2214 sq. ft., off-site use only

Bldg. 360
Naval Base Norfolk, St. Julien's Creek Annex
Co: Chesapeake VA
Landholding Agency: Navy
Property Number: 779710057
Status: Excess
Comment: 144 sq. ft., off-site use only

Bldg. 383
Naval Base Norfolk, St. Julien's Creek Annex
Co: Chesapeake VA
Landholding Agency: Navy
Property Number: 779710058
Status: Excess
Comment: 160 sq. ft., off-site use only

Bldg. 2058A
Naval Amphibious Base Little Creek
Norfolk VA 23521–2616
Landholding Agency: Navy
Property Number: 779720054
Status: Excess
Comment: 280 sq. ft., poor condition, most recent use—storage, off-site only

Bldg. 2076
Naval Amphibious Base Little Creek
Norfolk VA 23521–2616
Landholding Agency: Navy
Property Number: 779720055
Status: Excess
Comment: 3000 sq. ft., fair condition, most recent use—offices, off-site use only

Bldg. 2078
Naval Amphibious Base Little Creek
Norfolk VA 23521–2616
Landholding Agency: Navy
Property Number: 779720056
Status: Excess
Comment: 168 sq. ft., poor condition, most recent use—storage, off-site use only

Bldg. 2079
Naval Amphibious Base Little Creek
Norfolk VA 23521–2616
Landholding Agency: Navy
Property Number: 779720057
Status: Excess
Comment: 576 sq. ft., poor condition, most recent use—storage, off-site use only

Bldg. 2082
Naval Amphibious Base Little Creek
Norfolk VA 23521–2616
Landholding Agency: Navy
Property Number: 779720058
Status: Excess
Comment: 187 sq. ft., poor condition, most recent use—storage, off-site use only

Bldg. 3319
Naval Amphibious Base Little Creek
Norfolk VA 23521–2616
Landholding Agency: Navy
Property Number: 779720059
Status: Excess
Comment: 9000 sq. ft., fair condition, most recent use—maintenance, off-site use only

Bldg. 3373
Naval Amphibious Base Little Creek
Norfolk VA 23521–2616
Landholding Agency: Navy
Property Number: 779720060
Status: Excess
Comment: 1800 sq. ft., fair condition, most recent use—office, off-site use only

Bldg. 3627
Naval Amphibious Base Little Creek
Norfolk VA 23521–2616
Landholding Agency: Navy
Property Number: 779720061
Status: Excess
Comment: 1200 sq. ft., fair condition, most recent use—laundry/dry cleaners, off-site use only

Bldg. 3684
Naval Amphibious Base Little Creek
Norfolk VA 23521–2616
Landholding Agency: Navy
Property Number: 779720062
Status: Excess
Comment: 2200 sq. ft., poor condition, most recent use—recreation pavillion, off-site use only

Bldg. 3692
Naval Amphibious Base Little Creek
Norfolk VA 23521–2616
Landholding Agency: Navy
Property Number: 779720063
Status: Excess
Comment: 3000 sq. ft., fair condition, most recent use—storage, off-site use only

Bldg. NAB748
Naval Amphibious Base Little Creek
Norfolk VA 23521–2616
Landholding Agency: Navy
Property Number: 779720064
Status: Excess
Comment: 1700 sq. ft., poor condition, most recent use—storage, off-site use only

Bldg. 3151
Naval Amphibious Base Little Creek
Norfolk VA 23521–2616
Landholding Agency: Navy
Property Number: 779720065
Status: Excess
Comment: 2600 sq. ft., fair condition, most recent use—office, off-site use only

Housing
Rt. 637—Gwynnville Road
Gwynn Island Co: Mathews VA 23066–
Landholding Agency: DOT
Property Number: 879120082
Status: Unutilized
Comment: 929 sq. ft., one story residence

Wisconsin

Bldg. 8
VA Medical Center
County Highway E
Tomah Co: Monroe WI 54660–
Landholding Agency: VA
Property Number: 979010056
Status: Underutilized
Comment: 2200 sq. ft., 2 story wood frame, possible asbestos, potential utilities, structural deficiencies, needs rehab.

Land (by State)

Alabama

VA Medical Center
VAMC
Tuskegee Co: Macon AL 36083–
Landholding Agency: VA
Property Number: 979010053
Status: Underutilized
Comment: 40 acres, buffer to VA Medical Center, potential utilities, undeveloped.

California

Land
4150 Clement Street
San Francisco Co: San Francisco CA 94121–
Landholding Agency: VA
Property Number: 979240001
Status: Underutilized
Comment: 4 acres; landslide area.

Georgia

NARACS Site
North side of GA Hwy 36, 5 mi. west of I–75
Co: Lamar GA
Landholding Agency: GSA
Property Number: 549730002
Status: Excess
Comment: 76.83 acres with deep well and pump house, most recent use—cattle grazing
GSA Number: 4–U–GA–0855
Naval Submarine Base
Grid R–2 to R–3 to V–4 to V–1
Kings Bay Co: Camden GA 31547–
Landholding Agency: Navy
Property Number: 779010229
Status: Underutilized
Comment: 111.57 acres; areas may be environmentally protected; secured area with alternate access.

Maine

Irish Ridge NEXRAD Site
Loring AFB
Fort Fairfield Co: Aroostook ME 04742–
Landholding Agency: Air Force
Property Number: 189640017
Status: Unutilized
Comment: 3.491 acres in fee simple

Pattern Communications Site
Loring AFB
Stacyville Co: Herseytown ME 04742–
Landholding Agency: Air Force
Property Number: 189640018
Status: Unutilized
Comment: 19.3 acres in fee simple plus access easements

Maryland

46.725 acres
Naval Air Warfare Center
Willows Road
Lexington Park Co: St. Mary's MD
Landholding Agency: Navy
Property Number: 779710067
Status: Unutilized
Comment: buffer area within Accident Potential Zone 2, no utilities, use and access restrictions

VA Medical Center
9500 North Point Road
Fort Howard Co: Baltimore MD 21052–
Landholding Agency: VA
Property Number: 979010020
Status: Underutilized
Comment: Approx. 10 acres, wetland and periodically floods, most recent use—dump site for leaves.

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.

Parcel 3, Parcel B
East Tawas Co: Iosco MI
Landholding Agency: GSA
Property Number: 549730013
Status: Excess
Comment: 2.02 acres of land, wooded and primarily wetlands, restricted access
GSA Number: 1–U–MI–500

Montana

6.43 acres
Forsyth Training Site
Co: Rosebud MT
Landholding Agency: Air Force
Property Number: 189610003
Status: Unutilized
Comment: 6.43 acres, most recent use—tech. oper. site for radar bombing range

Oregon

1–C Drain Right-of-Way
Klamath Project
Klamath Falls Co: Klamath OR 97603–
Landholding Agency: Interior
Property Number: 619620002
Status: Unutilized
Comment: 0.51 acres, narrow strip of land

Texas

Peary Point #2
Naval Air Station
Corpus Christi Co: Nueces TX 78419–5000
Landholding Agency: Navy
Property Number: 779030001
Status: Excess
Comment: 43.48 acres; 60% of land under lease until 8/93.

Land
Olin E. Teague Veterans Center
1901 South 1st Street
Temple Co: Bell TX 76504–
Landholding Agency: VA
Property Number: 979010079
Status: Underutilized
Comment: 13 acres, portion formerly landfill, portion near flammable materials, railroad crosses property, potential utilities.

VA. Medical Center
4800 Memorial Drive
Waco Co: McLennan TX 76711–
Landholding Agency: VA
Property Number: 979010081
Status: Underutilized
Comment: 2.3 acres, negotiating lease w/ Owens-Illinois Glass Plant, most recent use—parking lot.

Wisconsin

VA Medical Center
County Highway E
Tomah Co: Monroe WI 54660–
Landholding Agency: VA
Property Number: 979010054
Status: Underutilized
Comment: 12.4 acres, serves as buffer between center and private property, no utilities.

Suitable/Unavailable Properties

Buildings (by State)

Alaska

Bldgs. 001A&B
Spruce Cape Loran Station
Kodiak Co: Kodiak Is. Bor. AK 99615–
Landholding Agency: DOT
Property Number: 879720001
Status: Excess
Comment: 12492 sq. ft. steel frame, most recent use—barracks and shops, needs extensive repairs, in Tsunami evacuation area

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.

Bldg. 116
VA Medical Center
Wilshire and Sawtelle Blvds.
Los Angeles Co: Los Angeles CA 90073–
Landholding Agency: VA
Property Number: 979110009
Status: Underutilized
Comment: 60309 sq. ft., 3 story brick frame, seismic reinforcement defics., underutil. port of bldg. used intermitly., needs rehab, poss. asbestos in pipes/floor tiles, site access lim.

Florida

Bldg. 36, VAMC
10,000 Bay Pines Blvd.
Bay Pines Co: Pinellas FL 33504–
Landholding Agency: VA
Property Number: 979230009
Status: Underutilized
Comment: Portion of 15,984 sq. ft., 1 story concrete frame bldg., needs rehab, presence of asbestos, listed on Natl Register of Historic Places, access restrictions.

Bldg. 37, VAMC
10,000 Bay Pines Blvd.
Bay Pines Co: Pinellas FL 33504–
Landholding Agency: VA
Property Number: 979230010
Status: Underutilized
Comment: Third floor of a concrete frame bldg. (13,900 sq. ft.), presence of asbestos, listed on Natl Register of Historic Places, access restrictions.

Idaho

Bldg. 516
Mountain Home Air Force Base
Mountain Home Co: Elmore ID 86348–
Landholding Agency: Air Force
Property Number: 189520004
Status: Excess
Comment: 4928 sq. ft., 1 story wood frame, presence of lead paint and asbestos, most recent use—offices

Bldg. CFA–613
Central Facilities Area
Idaho National Engineering Lab
Scoville Co: Butte ID 83415–
Landholding Agency: Energy
Property Number: 419630001
Status: Unutilized
Comment: 1219 sq. ft., most recent use—sleeping quarters, presence of asbestos, off-site use only

Indiana

Bldg. 24, VAMC
East 38th Street
Marion Co: Grant IN 46952–
Landholding Agency: VA
Property Number: 979230005
Status: Underutilized
Comment: portion of 4135 sq. ft. 2-story wood structure, needs major rehab, no sanitary or heating facilities, presence of asbestos, access restrictions.

Bldg. 105, VAMC
East 38th Street
Marion Co: Grant IN 46952–
Landholding Agency: VA
Property Number: 979230006
Status: Underutilized
Comment: 310 sq. ft., 1 story stone structure, needs major rehab, no sanitary or heating facilities, access restrictions.

Iowa

Bldg. 00627
Sioux Gateway Airport
Sioux City Co: Woodbury IA 51110–
Landholding Agency: Air Force
Property Number: 189310001
Status: Unutilized
Comment: 1932 sq. ft., 1-story concrete block bldg., most recent use—storage, pigeon infested, contamination investigation in progress

Bldg. 00669
Sioux Gateway Airport
Sioux City Co: Woodbury IA 51110–
Landholding Agency: Air Force
Property Number: 189310002
Status: Unutilized
Comment: 1113 sq. ft., 1-story concrete block bldg., contamination clean-up in process

Kansas

Bldg. 2703, Forbes Field
Co: Topeka KS
Landholding Agency: Air Force
Property Number: 189720042
Status: Unutilized
Comment: 192,000 sq. ft. warehouse, needs major repairs

Louisiana

3 Office Buildings
St. James Terminal
St. James Co: St. James Paris LA 70086–
Landholding Agency: Energy
Property Number: 419640002
Status: Underutilized
Comment: 4326 sq. ft., 7877 sq. ft., and 7892 sq. ft., good condition

Warehouse
St. James Terminal
St. James Co: St. James Paris LA 70086–
Landholding Agency: Energy
Property Number: 419640003
Status: Underutilized
Comment: 9830 sq. ft., good condition

Laboratory
St. James Terminal
St. James Co: St. James Paris LA 70086–
Landholding Agency: Energy
Property Number: 419640004

Status: Underutilized
Comment: 1128 sq. ft., good condition

Guard House
St. James Terminal
St. James Co: St. James Paris LA 70086–
Landholding Agency: Energy
Property Number: 419640005
Status: Underutilized
Comment: 420 sq. ft., good condition

2 Dock Operator Bldgs.
St. James Terminal
St. James Co: St. James Paris LA 70086–
Landholding Agency: Energy
Property Number: 419640006
Status: Underutilized
Comment: 392 sq. ft. each

Maine

Bldg. 376, Naval Air Station
Topsham Annex
Topsham Co: Sagadahoc ME
Landholding Agency: Navy
Property Number: 779320011
Status: Unutilized
Comment: 4530 sq. ft., 2-story, most recent use—quarters, needs rehab

Bldg. 383
Topsham Annex, Naval Air Station
Brunswick ME 04011–
Landholding Agency: Navy
Property Number: 779720025
Status: Unutilized
Comment: 4431 sq. ft., 1-story

Bldg. 383
Topsham Annex, Naval Air Station
Brunswick ME 04011–
Landholding Agency: Navy
Property Number: 779720025
Status: Unutilized
Comment: 4431 sq. ft., 1-story

Bldg. 382
Topsham Annex, Naval Air Station
Brunswick ME 04011–
Landholding Agency: Navy
Property Number: 779720026
Status: Unutilized
Comment: 14855 sq. ft., 1-story, subject to contamination

Bldg. 382
Topsham Annex, Naval Air Station
Brunswick ME 04011–
Landlanding Agency: Navy
Property Number: 779720026
Status: Unutilized
Comment: 14855 sq. ft., 1-story, subject to contamination

Bldg. 381
Topsham Annex, Naval Air Station
Brunswick ME 04011–
Landholding Agency: Navy
Property Number: 779720027
Status: Unutilized
Comment: 14057 sq. ft., 1-story

Bldg. 381
Topsham Annex, Naval Air Station
Brunswick ME 04011–
Landholding Agency: Navy
Property Number: 779720027
Status: Unutilized
Comment: 14057 sq. ft., 1-story

Mount Desert Rock Light
U.S. Coast Guard
Southwest Harbor Co: Hancock ME 04679–
Landholding Agency: DOT
Property Number: 879240023
Status: Unutilized
Comment: 1600 sq. ft., 2-story wood frame dwelling, needs rehab, limited utilities, limited access, property is subject to severe storms

Little River Light
U.S. Coast Guard
Cutler Co: Washington ME
Landholding Agency: DOT
Property Number: 879240026
Status: Unutilized
Comment: 1100 sq. ft., 2-story wood frame dwelling, well is contaminated, limited utilities

Burnt Island Light
U.S. Coast Guard
Southport Co: Lincoln ME 04576–
Landholding Agency: DOT
Property Number: 879240027
Status: Unutilized
Comment: 750 sq. ft., 2-story wood frame dwelling

Maryland

Bldg. 230
Naval Communication Detachment
9190 Commo Road
Cheltenham Co: Prince George MD 20397–5520
Landholding Agency: Navy
Property Number: 779330010
Status: Unutilized
Comment: 12,384 sq. ft., 4-story, needs rehab, potential utilities, includes 37 acres of land

Massachusetts

Keepers Dwelling
Cape Ann Light, Thachers Island
U.S. Coast Guard
Rockport Co: Essex MA 01966–
Landholding Agency: DOT
Property Number: 879240024
Status: Unutilized
Comment: 1000 sq. ft., 2-story brick dwelling, large wave action with severe ocean storms

Assistant Keepers Dwelling
Cape Ann Light, Thachers Island
U.S. Coast Guard
Rockport Co: Essex MA 01966–
Landholding Agency: DOT
Property Number: 879240025
Status: Unutilized
Comment: 1000 sq. ft., 2-story wood frame dwelling, large wave action with severe ocean storms

Michigan

Bldg. 20
Calumet Air Force Station
Calumet Co: Keweenaw MI 49913–
Landholding Agency: Air Force
Property Number: 189010775
Status: Excess
Comment: 13404 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: 2146 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: 1546 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: 1000 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: 2069 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: 2069 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: 4017 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: 3674 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: 7216 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: 6070 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: 1944 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: 6171 sq. ft.; 1 story; concrete block; potential utilities; possible asbestos; most recent use—Fire Department vehicle parking building
Bldg. 14
Calumet Air Force Station
Calumet Co: Keweenaw MI 49913–
Landholding Agency: Air Force
Property Number: Property Number 189010833
Status: Excess
Comment: 6751 sq. ft.; 1 floor concrete block; possible asbestos; most recent use—gymnasium
Bldg. 16
Calumet Air Force Station
Calumet Co: Keweenaw MI 49913–
Landholding Agency: Air Force
Property Number: 189010834
Status: Excess
Comment: 3000 sq. ft.; 1 floor concrete block; most recent use—commissary facility
Bldg. 9
Calumet Air Force Station
Calumet Co: Keweenaw MI 49913–
Landholding Agency: Air Force
Property Number: 189010835
Status: Excess
Comment: 1056 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: 1056 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: 1056 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: 1056 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: 5314 sq. ft.; 1 floor 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—electrical 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.; 1 floor; concrete/wood structure; potential utilities; 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

Bldg. 227
Va Medical Center
Fort Snelling
St. Paul Co: Hennepin MN 55111–
Landholding Agency: VA
Property Number: 979010033
Status: Unutilized
Comment: 850 sq. ft., 2 story wood frame and brick residence, utilities disconnected

Montana

Bldg. 00007
Havre Air Force Station Co: Hill MT 59501–
Landholding Agency: Air Force
Property Number: 189330066
Status: Unutilized
Comment: 992 sq. ft., 1-story metal, most recent use—auto/hobby shop
Bldg. 00008
Havre Air Force Station Co: Hill MT 59501–
Landholding Agency: Air Force
Property Number: 189330067
Status: Unutilized
Comment: 2640 sq.ft., 1-story metal, most recent use—vehicle parking
Bldg. 00016
Havre Air Force Station Co: Hill MT 59501–
Landholding Agency: Air Force
Property Number: 189330068
Status: Unutilized
Comment: 3604 sq. ft., 1-story cinder block, most recent use—storage
Bldg. 00023
Havre Air Force Station Co: Hill MT 59501–
Landholding Agency: Air Force
Property Number: 189330069
Status: Unutilized
Comment: 3315 sq. ft., 1-story wood, most recent use—fire station
Bldg. 00024
Havre Air Force Station Co: Hill MT 59501–
Landholding Agency: Air Force
Property Number: 189330070
Status: Unutilized
Comment: 5016 sq. ft., 1-story 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—mainenance 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., 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

Malstrom Communications Annex (Transmitter), 39 78th St., N.
Malstrom AFB Co: Cascade MT 59405–
Landholding Agency: Air Force
Property Number: 189510023
Status: Excess
Comment: 1966 sq. ft., 1 story masonry block bldg. on 22 acres, limited utilities, roof needs replacement
GSA Number: 7–D–MT–4240

Nebraska

Bldg. 64
Offutt AFB
Silver Creek Co: Nance NE 68113–
Landholding Agency: Air Force
Property Number: 189720040
Status: Unutilized
Comment: 4000 sq. ft., most recent use—admin., needs major rehab, possible asbestos/lead base paint

New Hamspshire

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 York

Bldg. 118
10 Pennsylvania Ave.
Upton Co: Suffolk NY 11973–
Landholding Agency: Energy
Property Number: 419710001
Status: Excess
Comment: 2000 sq. ft., 2-story, needs repair, presence of asbestos, off-site use only

Ohio

Naval & Marine Corps Res. Cntr
315 East LaClede Avenue
Youngstown OH
Landholding Agency: Navy
Property Number: 779320012
Status: Unutilized
Comment: 3067 sq. ft. 2 story, possible asbestos

Pennsylvania

Bldg. 2, VAMC
1700 South Lincoln Avenue
Lebanon Co: Lebanon PA 17042–
Landholding Agency: VA
Property Number: 979230011
Status: Underutilized
Comment: portion of 16,360 sq. ft. 3-story structure, most recent use—storage

Bldg. 3, VAMC
1700 South Lincoln Avenue
Lebanon Co: Lebanon PA 17042–
Landholding Agency: VA
Property Number: 979230012
Status: Underutilized
Comment: portion of bldg. (3850 and 4360 sq. ft.), most recent use—storage

Bldg. 103, VAMC
1700 South Lincoln Avenue
Lebanon Co: Lebanon PA 17042–
Landholding Agency: VA
Property Number: 979230014
Status: Underutilized
Comment: portion of 1215 sq. ft. 2-story stone farm house, needs repair

Puerto Rico

Bldgs. 501 & 502
U.S. Naval Radio Transmitter Facility
State Road No. 2
Juana Diaz PR 00795–
Landholding Agency: Navy
Property Number: 779530007
Status: Underutilized
Comment: Reinforced concrete structures, limited access, needs rehab, most recent use—transmitter and power house

Texas

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. 2435
Laguna Housing Area
NAS Corpus Christi
Corpus Christi Co: Nueces TX 78419–
Landholding Agency: Navy
Property Number: 779010161
Status: Underutilized
Comment: 1730 sq. ft.; 1 story residence.

Bldg. 2436
Laguna Housing Area
NAS Corpus Christi
Corpus Christi Co: Nueces TX 78419–
Landholding Agency: Navy
Property Number: 779010162
Status: Underutilized
Comment: 3352 sq. ft.; 1 story residence

Bldg. 2460
Laguna Housing Area
NAS Corpus Christi
Corpus Christi Co: Nueces TX 78419–
Landholding Agency: Navy
Property Number: 779010163
Status: Underutilized
Comment: 1758 sq. ft.; 1 story residence

Bldg. 2462
Laguna Housing Area
NAS Corpus Christi
Corpus Christi Co: Nueces TX 78419–
Landholding Agency: Navy
Property Number: 779010164
Status: Underutilized
Comment: 1758 sq. ft.; 1 story residence

Bldg. 2464
Laguna Housing Area
NAS Corpus Christi
Corpus Christi Co: Nueces TX 78419–
Landholding Agency: Navy
Property Number: 779010165
Status: Underutilized
Comment: 1758 sq. ft.; 1 story residence

Bldg. 2466
Laguna Housing Area
NAS Corpus Christi
Corpus Christi Co: Nueces TX 78419–
Landholding Agency: Navy
Property Number: 779010166
Status: Underutilized
Comment: 1576 sq. ft.; 1 story residence

Bldg. 2467
Laguna Housing Area
NAS Corpus Christi
Corpus Christi Co: Nueces TX 78419–
Landholding Agency: Navy
Property Number: 779010167
Status: Underutilized
Comment: 3532 sq. ft.; 1 story residence

Bldg. 2468
Laguna Housing Area
NAS Corpus Christi
Corpus Christi Co: Nueces TX 78419–
Landholding Agency: Navy
Property Number: 779010168
Status: Underutilized
Comment: 1758 sq. ft.; 1 story residence

Bldg. 2472
Laguna Housing Area
NAS Corpus Christi
Corpus Christi Co: Nueces TX 78419–
Landholding Agency: Navy
Property Number: 779010169
Status: Underutilized
Comment: 1758 sq. ft.; 1 story residence

Bldg. 2476
Laguna Housing Area
NAS Corpus Christi
Corpus Christi Co: Nueces TX 78419–
Landholding Agency: Navy
Property Number: 779010170
Status: Underutilized
Comment: 1758 sq. ft.; 1 story residence

Bldg. 2482
Laguna Housing Area
NAS Corpus Christi
Corpus Christi Co: Nueces TX 78419–
Landholding Agency: Navy
Property Number: 779010171
Status: Underutilized
Comment: 1760 sq. ft.; 1 story residence

Bldg. 2495
Laguna Housing Area
NAS Corpus Christi

Corpus Christi Co: Nueces TX 78419–
Landholding Agency: Navy
Property Number: 779010172
Status: Underutilized
Comment: 1760 sq. ft.; 1 story residence
Bldg. 2514
Laguna Housing Area
NAS Corpus Christi
Corpus Christi Co: Nueces TX 78419–
Landholding Agency: Navy
Property Number: 779010173
Status: Underutilized
Comment: 1730 sq. ft.; 1 story residence
Bldg. 2518
Laguna Housing Area
NAS Corpus Christi
Corpus Christi Co: Nueces TX 78419–
Landholding Agency: Navy
Property Number: 779010174
Status: Underutilized
Comment: 1676 sq. ft.; 1 story residence
Bldg. 2520
Laguna Housing Area
NAS Corpus Christi
Corpus Christi Co: Nueces TX 78419–
Landholding Agency: Navy
Property Number: 779010175
Status: Underutilized
Comment: 1676 sq. ft.; 1 story residence
Bldg. 2522
Laguna Housing Area
NAS Corpus Christi
Corpus Christi Co: Nueces TX 78419–
Landholding Agency: Navy
Property Number: 779010176
Status: Underutilized
Comment: 1676 sq. ft.; 1 story residence
Bldg. 2526
Laguna Housing Area
NAS Corpus Christi
Corpus Christi Co: Nueces TX 78419–
Landholding Agency: Navy
Property Number: 779010177
Status: Underutilized
Comment: 1676 sq. ft.; 1 story residence
Bldg. 2423
Laguna Housing Area
NAS Corpus Christi
Corpus Christi Co: Nueces TX 78419–
Landholding Agency: Navy
Property Number: 779010178
Status: Underutilized
Comment: 3352 sq. ft.; 1 story residence
Bldg. 2427
Laguna Housing Area
NAS Corpus Christi
Corpus Christi Co: Nueces TX 78419–
Landholding Agency: Navy
Property Number: 779010179
Status: Underutilized
Comment: 3532 sq. ft.; 1 story residence
Bldg. 2431
Laguna Housing Area
NAS Corpus Christi
Corpus Christi Co: Nueces TX 78419–
Landholding Agency: Navy
Property Number: 779010180
Status: Underutilized
Comment: 3532 sq. ft.; 1 story residence
Bldg. 2424
Laguna Housing Area
NAS Corpus Christi
Corpus Christi Co: Nueces TX 78419–
Landholding Agency: Navy
Property Number: 779010181
Status: Underutilized
Comment: 3352 sq. ft.; 1 story residence
Bldg. 2433
Laguna Housing Area
NAS Corpus Christi
Corpus Christi Co: Nueces TX 78419–
Landholding Agency: Navy
Property Number: 779010182
Status: Underutilized
Comment: 3352 sq. ft.; 1 story residence
Bldg. 2428
Laguna Housing Area
NAS Corpus Christi
Corpus Christi Co: Nueces TX 78419–
Landholding Agency: Navy
Property Number: 779010183
Status: Underutilized
Comment: 3352 sq. ft.; 1 story residence
Bldg. 2429
Laguna Housing Area
NAS Corpus Christi
Corpus Christi Co: Nueces TX 78419–
Landholding Agency: Navy
Property Number: 779010184
Status: Underutilized
Comment: 3152 sq. ft.; 1 story residence
Bldg. 2454
Laguna Housing Area
NAS Corpus Christi
Corpus Christi Co: Nueces TX 78419–
Landholding Agency: Navy
Property Number: 779010185
Status: Underutilized
Comment: 3152 sq. ft.; 1 story residence
Bldg. 2477
Laguna Housing Area
NAS Corpus Christi
Corpus Christi Co: Nueces TX 78419–
Landholding Agency: Navy
Property Number: 779010186
Status: Underutilized
Comment: 3152 sq. ft.; 1 story residence
Bldg. 2485
Laguna Housing Area
NAS Corpus Christi
Corpus Christi Co: Nueces TX 78419–
Landholding Agency: Navy
Property Number: 779010187
Status: Underutilized
Comment: 3152 sq. ft.; 1 story residence
Bldg. 2499
Laguna Housing Area
NAS Corpus Christi
Corpus Christi Co: Nueces TX 78419–
Landholding Agency: Navy
Property Number: 779010188
Status: Underutilized
Comment: 3152 sq. ft.; 1 story residence
Bldg. 2503
Laguna Housing Area
NAS Corpus Christi
Corpus Christi Co: Nueces TX 78419–
Landholding Agency: Navy
Property Number: 779010189
Status: Underutilized
Comment: 3152 sq. ft.; 1 story residence
Bldg. 2507
Laguna Housing Area
NAS Corpus Christi
Corpus Christi Co: Nueces TX 78419–
Landholding Agency: Navy
Property Number: 779010190
Status: Underutilized
Comment: 3152 sq. ft.; 1 story residence
Bldg. 2513
Laguna Housing Area
NAS Corpus Christi
Corpus Christi Co: Nueces TX 78419–
Landholding Agency: Navy
Property Number: 779010191
Status: Underutilized
Comment: 3152 sq. ft.; 1 story residence
Bldg. 2521
Laguna Housing Area
NAS Corpus Christi
Corpus Christi Co: Nueces TX 78419–
Landholding Agency: Navy
Property Number: 779010192
Status: Underutilized
Comment: 3152 sq. ft.; 1 story residence
Bldg. 2451
Laguna Housing Area
NAS Corpus Christi
Corpus Christi Co: Nueces TX 78419–
Landholding Agency: Navy
Property Number: 779010193
Status: Underutilized
Comment: 1758 sq. ft.; 1 story residence
Bldg. 2458
Laguna Housing Area
NAS Corpus Christi
Corpus Christi Co: Nueces TX 78419–
Landholding Agency: Navy
Property Number: 779010194
Status: Underutilized
Comment: 1758 sq. ft.; 1 story residence
Bldg. 2461
Laguna Housing Area
NAS Corpus Christi
Corpus Christi Co: Nueces TX 78419–
Landholding Agency: Navy
Property Number: 779010195
Status: Underutilized
Comment: 1758 sq. ft.; 1 story residence
Bldg. 2473
Laguna Housing Area
NAS Corpus Christi
Corpus Christi Co: Nueces TX 78419–
Landholding Agency: Navy
Property Number: 779010196
Status: Underutilized
Comment: 1758 sq. ft.; 1 story residence
Bldg. 2478
Laguna Housing Area
NAS Corpus Christi
Corpus Christi Co: Nueces TX 78419–
Landholding Agency: Navy
Property Number: 779010197
Status: Underutilized
Comment: 1758 sq. ft.; 1 story residence
Bldg. 2480
Laguna Housing Area
NAS Corpus Christi
Corpus Christi Co: Nueces TX 78419–
Landholding Agency: Navy
Property Number: 779010198
Status: Underutilized
Comment: 1758 sq. ft.; 1 story residence
Bldg. 2484
Laguna Housing Area
NAS Corpus Christi
Corpus Christi Co: Nueces TX 78419–
Landholding Agency: Navy
Property Number: 779010199
Status: Underutilized
Comment: 1758 sq. ft.; 1 story residence
Bldg. 2486

Laguna Housing Area
NAS Corpus Christi
Corpus Christi Co: Nueces TX 78419–
Landholding Agency: Navy
Property Number: 779010200
Status: Underutilized
Comment: 1758 sq. ft.; 1 story residence

Bldg. 2487
Laguna Housing Area
NAS Corpus Christi
Corpus Christi Co: Nueces TX 78419–
Landholding Agency: Navy
Property Number: 779010201
Status: Underutilized
Comment: 1758 sq. ft.; 1 story residence

Bldg. 2488
Laguna Housing Area
NAS Corpus Christi
Corpus Christi Co: Nueces TX 78419–
Landholding Agency: Navy
Property Number: 779010202
Status: Underutilized
Comment: 1758 sq. ft.; 1 story residence

Bldg. 2494
Laguna Housing Area
NAS Corpus Christi
Corpus Christi Co: Nueces TX 78419–
Landholding Agency: Navy
Property Number: 779010203
Status: Underutilized
Comment: 1758 sq. ft.; 1 story residence

Bldg. 2500
Laguna Housing Area
NAS Corpus Christi
Corpus Christi Co: Nueces TX 78419–
Landholding Agency: Navy
Property Number: 779010204
Status: Underutilized
Comment: 1758 sq. ft.; 1 story residence

Bldg. 2502
Laguna Housing Area
NAS Corpus Christi
Corpus Christi Co: Nueces TX 78419–
Landholding Agency: Navy
Property Number: 779010205
Status: Underutilized
Comment: 1758 sq. ft.; 1 story residence

Bldg. 2506
Laguna Housing Area
NAS Corpus Christi
Corpus Christi Co: Nueces TX 78419–
Landholding Agency: Navy
Property Number: 779010206
Status: Underutilized
Comment: 1758 sq. ft.; 1 story residence

Bldg. 2508
Laguna Housing Area
NAS Corpus Christi
Corpus Christi Co: Nueces TX 78419–
Landholding Agency: Navy
Property Number: 779010207
Status: Underutilized
Comment: 1758 sq. ft.; 1 story residence

Bldg. 2525
Laguna Housing Area
NAS Corpus Christi
Corpus Christi Co: Nueces TX 78419–
Landholding Agency: Navy
Property Number: 779010208
Status: Underutilized
Comment: 1758 sq. ft.; 1 story residence

Bldg. 2452
Laguna Housing Area
NAS Corpus Christi
Corpus Christi Co: Nueces TX 78419–
Landholding Agency: Navy
Property Number: 779010209
Status: Underutilized
Comment: 3356 sq. ft.; 1 story residence

Bldg. 2475
Laguna Housing Area
NAS Corpus Christi
Corpus Christi Co: Nueces TX 78419–
Landholding Agency: Navy
Property Number: 779010210
Status: Underutilized
Comment: 3356 sq. ft.; 1 story residence

Bldg. 2479
Laguna Housing Area
NAS Corpus Christi
Corpus Christi Co: Nueces TX 78419–
Landholding Agency: Navy
Property Number: 779010211
Status: Underutilized
Comment: 3356 sq. ft.; 1 story residence

Bldg. 2497
Laguna Housing Area
NAS Corpus Christi
Corpus Christi Co: Nueces TX 78419–
Landholding Agency: Navy
Property Number: 779010212
Status: Underutilized
Comment: 3356 sq. ft.; 1 story residence

Bldg. 2501
Laguna Housing Area
NAS Corpus Christi
Corpus Christi Co: Nueces TX 78419–
Landholding Agency: Navy
Property Number: 779010213
Status: Underutilized
Comment: 3356 sq. ft.; 1 story residence

Bldg. 2505
Laguna Housing Area
NAS Corpus Christi
Corpus Christi Co: Nueces TX 78419–
Landholding Agency: Navy
Property Number: 779010214
Status: Underutilized
Comment: 3356 sq. ft.; 1 story residence

Bldg. 2515
Laguna Housing Area
NAS Corpus Christi
Corpus Christi Co: Nueces TX 78419–
Landholding Agency: Navy
Property Number: 779010215
Status: Underutilized
Comment: 3356 sq. ft.; 1 story residence

Bldg. 2517
Laguna Housing Area
NAS Corpus Christi
Corpus Christi Co: Nueces TX 78419–
Landholding Agency: Navy
Property Number: 779010216
Status: Underutilized
Comment: 3356 sq. ft.; 1 story residence

Bldg. 2519
Laguna Housing Area
NAS Corpus Christi
Corpus Christi Co: Nueces TX 78419–
Landholding Agency: Navy
Property Number: 779010217
Status: Underutilized
Comment: 3356 sq. ft.; 1 story residence

Bldg. 2523
Laguna Housing Area
NAS Corpus Christi
Corpus Christi Co: Nueces TX 78419–
Landholding Agency: Navy
Property Number: 779010218
Status: Underutilized
Comment: 3356 sq. ft.; 1 story residence

Bldg. 2465
Laguna Housing Area
NAS Corpus Christi
Corpus Christi Co: Nueces TX 78419–
Landholding Agency: Navy
Property Number: 779010219
Status: Underutilized
Comment: 1576 sq. ft.; 1 story residence

Bldg. 2493
Laguna Housing Area
NAS Corpus Christi
Corpus Christi Co: Nueces TX 78419–
Landholding Agency: Navy
Property Number: 779010220
Status: Underutilized
Comment: 1576 sq. ft.; 1 story residence

Bldg. 2510
Laguna Housing Area
NAS Corpus Christi
Corpus Christi Co: Nueces TX 78419–
Landholding Agency: Navy
Property Number: 779010221
Status: Underutilized
Comment: 1576 sq. ft.; 1 story residence

Bldg. 2474
Laguna Housing Area
NAS Corpus Christi
Corpus Christi Co: Nueces TX 78419–
Landholding Agency: Navy
Property Number: 779010222
Status: Underutilized
Comment: 3528 sq. ft.; 1 story residence

Bldg. 2481
Laguna Housing Area
NAS Corpus Christi
Corpus Christi Co: Nueces TX 78419–
Landholding Agency: Navy
Property Number: 779010223
Status: Underutilized
Comment: 3528 sq. ft.; 1 story residence

Bldg. 2509
Laguna Housing Area
NAS Corpus Christi
Corpus Christi Co: Nueces TX 78419–
Landholding Agency: Navy
Property Number: 779010224
Status: Underutilized
Comment: 1676 sq. ft.; 1 story residence

Bldg. 2511
Laguna Housing Area
NAS Corpus Christi
Corpus Christi Co: Nueces TX 78419–
Landholding Agency: Navy
Property Number: 779010225
Status: Underutilized
Comment: 1676 sq. ft.; 1 story residence

Bldg. 2512
Laguna Housing Area
NAS Corpus Christi
Corpus Christi Co: Nueces TX 78419–
Landholding Agency: Navy
Property Number: 779010226
Status: Underutilized
Comment: 1676 sq. ft.; 1 story residence

Bldg. 2527
Laguna Housing Area
NAS Corpus Christi
Corpus Christi Co: Nueces TX 78419–
Landholding Agency: Navy
Property Number: 779010227
Status: Underutilized

Comment: 1676 sq. ft.; 1 story residence

Brownsville Urban System (Grantee)
700 South Iowa Avenue
Brownsville Co: Cameron TX 78520–
Landholding Agency: DOT
Property Number: 879010003
Status: Unutilized
Comment: 3500 sq. ft., 1 story concrete block, (2nd floor of Admin. Bldg.) on 10750 sq. ft. land, contains underground diesel fuel tanks

Bldg. 115
Fort Crockett/43rd St. Housing
Galveston Co.: Galveston TX 77553–
Landholding Agency: DOT
Property Number: 879630001
Status: Unutilized
Comment: 500 sq. ft., most recent use—garage, historic properties

Bldg. 114
Fort Crockett/43rd St. Housing
Galveston Co.: Galveston TX 77553–
Landholding Agency: DOT
Property Number: 879630002
Status: Unutilized
Comment: 3150 sq. ft. per floor, 2-story, most recent use—residence, historic properties

Bldg. 113
Fort Crockett/43rd St. Housing
Galveston Co.: Galveston TX 77553–
Landholding Agency: DOT
Property Number: 879630003
Status: Unutilized
Comment: 200 sq. ft., most recent use—garage, historic properties

Bldg. 112
Fort Crockett/43rd St. Housing
Galveston Co.: Galveston TX 77553–
Landholding Agency: DOT
Property Number: 879630004
Status: Unutilized
Comment: 2880 sq. ft. per floor, 2-story, most recent use—residential, historic properties

Bldg. 111
Fort Crockett/43rd St. Housing
Galveston Co.: Galveston TX 77553–
Landholding Agency: DOT
Property Number: 879630005
Status: Unutilized
Comment: 2880 sq. ft. per floor, 2-story, most recent use—residential, historic properties

Virginia

Naval Medical Clinic
6500 Hampton Blvd.
Norfolk Co: Norfolk VA 23508–
Landholding Agency: Navy
Property Number: 779010109
Status: Unutilized
Comment: 3665 sq. ft., 1 story, possible asbestos, most recent use—laundry

Wyoming

Bldg. 13
Medical Center
N.W. of town at the end of Fort Road
Sheridan Co: Sheridan WY 82801–
Landholding Agency: VA
Property Number: 979110001
Status: Unutilized
Comment: 3613 sq. ft., 3 story wood frame masonry veneered, potential utilities, possible asbestos, needs rehab

Bldg. 79
Medical Center
N.W. of town at the end of Fort Road
Sheridan Co: Sheridan WY 82801–
Landholding Agency: VA
Property Number: 979110003
Status: Unutilized
Comment: 45 sq. ft., 1 story brick and tile frame, limited utilities, most recent use—reservoir house, use for storage purposes

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

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

ACDC Tract No. T–71A
Along the Arizona Canal
Glendale Co: Maricopa AZ 85306–
Landholding Agency: Interior
Property Number: 619530001
Status: Excess
Comment: 3.15 acres

Tract No. OSG–1–23
Near McDowell Road & Bush Hwy.
Mesa Co: Maricopa AZ 85207–
Landholding Agency: Interior
Property Number: 619530012
Status: Excess
Comment: 0.29 acres, located next to private land owner, limited access

California

Norton Com. Facility Annex
Norton AFB
Sixth and Central Streets
Highland Co: San Bernadino CA 92409–5045
Landholding Agency: Air Force
Property Number: 189010194
Status: Excess
Comment: 30.3 acres; most recent use—recreational area; portion subject to easements

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

Excess Land at Eureka Housing
Eureka Co: Humboldt CA 95501–
Landholding Agency: DOT
Property Number: 889540001
Status: Unutilized
Comment: .5 acres, encroachment by adjoining land owners, easement

Florida

Woodland Tract
Elgin AFB, AF Enlisted Widows' Home
Ft. Walton Beach Co: Okaloosa FL 32542–5000
Landholding Agency: Air Force
Property Number: 189540020
Status: Unutilized
Comment: 3.43 acres, easement

Naval Public Works Center
Naval Air Station
Pensacola Co: Escambia FL 32508–
Location: Southeast corner of Corey station—next to family housing
Landholding Agency: Navy
Property Number: 779010157
Status: Unutilized
Comment: 22 acres

Compound, VAMC
10,000 Bay Pines Blvd.
Bay Pines Co: Pinellas FL 33504–
Landholding Agency: VA
Property Number: 979230017
Status: Underutilized
Comment: approx. 7 acres, storage compound, partially wooded

Georgia

Naval Submarine Base
Grid AA–1 to AA–4 to EE–7 to FF–2
Kings Bay Co: Camden GA 31547–
Landholding Agency: Navy
Property Number: 779010255
Status: Underutilized
Comment: 495 acres; 86 acre portion located in floodway; secured area with alternate access

Land—St. Simons Boathouse
St. Simons Island Co: Glynn GA 31522–0577
Landholding Agency: DOT
Property Number: 879540003
Status: Unutilized
Comment: .08 acres, most recent use—pier and dockage for Coast Guard boats

Illinois

VA Medical Center
3001 Green Bay Road
North Chicago Co: Lake IL 60064–
Landholding Agency: VA
Property Number: 979010082
Status: Underutilized
Comment: 2.5 acres, currently being used as a construction staging area for the next 6–8 years, potential utilities

Michigan

VA Medical Center
5500 Armstrong Road
Battle Creek Co: Calhoun MI 49016–
Landholding Agency: VA
Property Number: 979010015
Status: Underutilized
Comment: 20 acres, used as exercise trails and storage areas, potential utilities

Minnesota

Bldg. 227–229 Land
VA Medical Center
Fort Snelling
St Paul Co: Hennepin MN 55111–
Landholding Agency: VA
Property Number: 979010006
Status Underutilized
Comment: 2.0 acres, potential utilities, buildings occupied, residence/garage

VA Medical Center
Near 5629 Minnehaha Avenue
Minneapolis Co: Hennepin MN 55417–

Location: Land (Site of Building 15, 16, 21, 48, 64 T10)
Landholding Agency: VA
Property Number: 979010024
Status: Underutilized
Comment: 12.1 acres, most recent use—parking, potential utilities

Land—12 acres
VAMC
Near 5629 Minnehaha Avenue
Minneapolis Co: Hennepin MN 55417–
Landholding Number: 979010031
Status: Unutilized
Comment: 12 acres, possible asbestos, leased to Department of Natural Resources as a park walking trail

Nebraska

Land/Offutt Comm. Annex No. 4
Silver Creek Co: Nance NE 68663–
Landholding Agency: Air Force
Property Number: 189720041
Status: Unutilized
Comment: 354 acres, most recent use—radio transmitter site, wetlands, isolated area

New York

VA Medical Center
Fort Hill Avenue
Canandaigua Co: Ontario NY 14424–
Landholding Agency: 979010017
Status: Underutilized
Comment: 27.5 acres, used for school ballfield and parking, existing utilities easements, portion leased

Pennsylvania

VA Medical Center
New Castle Road
Bultler Co: Butler PA 16001–
Landholding Agency: VA
Property Number: 979010016
Status: Underutilized
Comment: Approx. 9.29 acres, used for patient recreation, potential utilities

Land No. 645
VA Medical Center
Highland Drive
Pittsburg Co: Allegheny PA 15206–
Location: Between Campania and Wiltsie Streets.
Landholding Agency: VA
Property Number: 979010080
Status: Unutilized
Comment: 90.3 acres, heavily wooded, property includes dump area and numerous site storm drain outfalls

Land—34.16 acres
VA Medical Center
1400 Black Horse Hill Road
Coatesville Co: Chester PA 19320–
Landholding Agency: VA
Property Number: 979340001
Status: Underutilized
Comment: 34.16 acres, open field, most recent use—recreation/buffer

Virgin Islands

Ham's Bluff Test Site
Freddriksted Co: St. Croix VI 00840–
Landholding Agency: Navy
Property Number: 779530006
Status: Unutilized
Comment: 22.5 acres, bldg. construction underway, secured area w/alternate access, property reverts to Transportation when Navy vacates

Virginia

Naval Base
Norfolk Co: Norfolk VA 23508–
Location: Northeast corner of base, near Willoughby housing area.
Landholding Agency: Navy
Property Number: 779010156
Status: Unutilized
Comment: 60 acres; most recent use—sandpit; secured area with alternate access

Suitable/To Be Excessed

Buildings (by State)

Massachusetts

Cuttyhunk Boathouse
South Shore of Cuttyhunk Pond
Gosnold Co: Dukes MA 02713–
Landholding Agency: DOT
Property Number: 879310001
Status: Unutilized
Comment: 2700 sq. ft., wood frame, one story, needs rehab, limited utilities, off-site use only

Nauset Beach Light
Nauset Beach Co: Barnstable MA
Landholding Agency: DOT
Property Number: 879420001
Status: Unutilized
Comment: 48 foot tower, cylindrical cast iron, most recent use—aid to navigation

Plymouth Light Co: Plymouth MA
Landholding Agency: DOT
Property Number: 879420003
Status: Unutilized
Comment: 250 sq. ft. tower, and 2096 sq. ft. dwelling, wood frame, most recent use—aid to navigation/housing

Light Tower, Highland Light
Near Rt. 6, 9 miles south of Race Point
North Truro Co: Barnstable MA 02652–
Landholding Agency: DOT
Property Number: 879430005
Status: Excess
Comment: 66 ft. tower, 14′9″ diameter, brick structure, scheduled to be vacated 9/94

Keepers Dwelling
Highland Light
Near Rt. 6, 9 miles south of Race Point
North Truro Co: Barnstable MA 02652–
Landholding Agency: DOT
Property Number: 879430006
Status: Excess
Comment: 1160 sq. ft., 2-story wood frame, attached to light tower, scheduled to be vacated 9/94

Duplex Housing Unit
Highland Light
Near Rt. 6, 9 miles south of Race Point
North Truro Co: Barnstable MA 02652–
Landholding Agency: DOT
Property Number: 879430007
Status: Excess
Comment: 2 living units, 930 sq. ft. each, 1-story each, located on eroding ocean bluff, scheduled to be vacated 9/94

Nahant Towers
Nahant Co: Essex MA
Landholding Agency: DOT
Property Number: 879530001
Status: Unutilized
Comment: 196 sq. ft., 8-story observation tower

New Hampshire

Naval & Marine Corp. Rsv. Ctr.
199 North Main St.
Manchester NH 03102–
Landholding Agency: Navy
Property Number: 779530005
Status: Excess
Comment: 3 bldgs. on 2.53 acres of land, limited utilities, limited use prior to environmental cleanup

New York

Bldg. 1
Hancock Field
Syracuse Co: Onandaga NY 13211–
Landholding Agency: Air Force
Property Number: 189530048
Status: Excess
Comment: 4955 sq. ft., 2 story concrete block, needs rehab, most recent use—administration

Bldg. 2
Hancock Field
Syracuse Co: Onandaga NY 13211–
Landholding Agency: Air Force
Property Number: 189530049
Status: Excess
Comment: 1476 sq. ft., 1 story concrete block, needs rehab, most recent use—repair shop

Bldg. 6
Hancock Field
Syracuse Co: Onandaga NY 13211–
Landholding Agency: Air Force
Property Number: 189530050
Status: Excess
Comment: 2466 sq. ft., 1 story concrete block, needs rehab, most recent use—repair shop

Bldg. 11
Hancock Field
Syracuse Co: Onandaga NY 13211–
Landholding Agency: Air Force
Property Number: 189530051
Status: Excess
Comment: 1750 sq. ft., story wood frame, needs rehab, most recent use—storage

Bldg. 8
Hancock Field
Syracuse Co: Onandaga NY 13211–
Landholding Agency: Air Force
Property Number: 189530052
Status: Excess
Comment: 1812 sq. ft., 1 story concrete block, needs rehab, most recent use—repair shop communications

Bldg. 14
Hancock Field
Syracuse Co: Onandaga NY 13211–
Landholding Agency: Air Force
Property Number: 189530053
Status: Excess
Comment: 156 sq. ft., 1 story wood frame, most recent use—vehicle fuel station

Bldg. 30
Hancock Field
Syracuse Co: Onandaga NY 13211–
Landholding Agency: Air Force
Property Number: 189530054
Status: Excess
Comment: 3649 sq. ft., 1 story, needs rehab, most recent use—assembly hall

Bldg. 31
Hancock Field
Syracuse Co: Onandaga NY 13211–
Landholding Agency: Air Force
Property Number: 189530055
Status: Excess
Comment: 8252 sq. ft., 1 story concrete block, most recent use—storage

Bldg. 32
Hancock Field
Syracuse Co: Onandaga NY 13211–
Landholding Agency: Air Force
Property Number: 189530056
Status: Excess
Comment: 1627 sq. ft., 1 story concrete block, most recent use—storage

Oregon

Yaquina Head Lighthouse
860 Lighthouse Drive
Newport Co: Lincoln OR 97365–
Landholding Agency: DOT
Property Number: 879430003
Status: Underutilized
Comment: 300 sq. ft. tower and needs repair, 4.52 acres lighthouse area, historic property

Puerto Rico

Bldg. 561
Former Ramey AFB
Aguadilla PR 00604–
Landholding Agency: Navy
Property Number: 779630001
Status: Unutilized
Comment: 102666 sq. ft. bldg. on 12.287 acres, most recent use—manufacturing, office and freight distribution center, presence of asbestos

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 on 4.9 acres, asbestos siding

Land (by State)

Illinois

Libertyville Training Site
Libertyville Co: Lake IL 60048–
Landholding Agency: Navy
Property Number: 779010073
Status: Excess
Comment: 114 acres; possible radiation hazard; existing FAA use license

Michigan

U.S. Coast Guard—Air Station
Traverse City Co: Grand Traverse MI 49684–
Landholding Agency: DOT
Property Number: 879120099
Status: Underutilized
Comment: 21.7 acres, most recent use—helo landings

Minnesota

Land around Bldg. 240–249, 253
VA Medical Center
Fort Snelling
St. Paul Co: Hennepin MN 55111–
Landholding Agency: VA
Property Number: 979010007
Status: Unutilized
Comment: 3.76 acres, potential utilities

New York

14.90 Acres
Hancock Field
Syracuse Co: Onandaga NY 13211–
Landholding Agency: Air Force
Property Number: 189530057
Status: Excess
Comment: Fenced in compound, most recent use—Air Natl. Guard Communication & Electronics Group

Unsuitalbe Properties

Buildings (by State)

Alabama

Bldg. 426, Maxwell AFB
Montgomery Co: Montgomery AL 36114–3112
Landholding Agency: Air Force
Property Number: 189720027
Status: Unutilized
Reason: Secured Area, Extensive deterioration

Dwelling A
USCG Mobile Pt. Station
Ft. Morgan
Gulfshores Co. Baldwin AL 36542–
Landholding Agency: DOT
Property Number: 879120001
Status: Excess
Reason: Floodway

Dwelling B
USCG Mobile Pt. Station
Ft. Morgan
Gulfshores Co. Baldwin AL 36542–
Landholding Agency: DOT
Property Number: 879120002
Status: Excess
Reason: Floodway

Oil House
USCG Mobile Pt. Station
Ft. Morgan
Gulfshores Co. Baldwin AL 36542–
Landholding Agency: DOT
Property Number: 879120003
Status: Excess
Reason: Floodway

Garage
USCG Mobile Pt. Station
Ft. Morgan
Gulfshores Co. Baldwin AL 36542–
Landholding Agency: DOT
Property Number: 879120004
Status: Excess
Reason: Floodway

Shop Building
USCG Mobile Pt. Station
Ft. Morgan
Gulfshores Co. Baldwin AL 36542–
Landholding Agency: DOT
Property Number: 879120005
Status: Excess
Reason: Floodway

Bldg. 7
VA Medical Center
Tuskegee Co: Macon AL 36083–
Landholding Agency: VA
Property Number: 979730001
Status: Underutilized
Reason: Secured Area

Bldg. 8
VA Medical Center
Tuskegee Co: Macon AL 36083–
Landholding Agency: VA
Property Number: 979730002
Status: Underutilized
Reason: Secured Area

Alaska

Bldg. 203
Tin City Air Force Station
21 CSG/DEER
Elmendorf AFB Co. Anchorage AK 99506–5000
Landholding Agency: Air Force
Property Number: 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 Force Station
21 CSG/DEER
Elmendorf AFB Co: Anchorage AK 99506–5000
Landholding Agency: Air Force
Property Number: 189010300
Status: Unutilized
Reason: Secured Area, Isolated area, 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. 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 Co: Anchorage AK 99506–5000
Landholding Agency: Air Force
Property Number: 189010335
Status: Unutilized
Reason: Secured Area, Isolated area, Not accessible by road, Contamination

Bldg. 204
Kotzebue Air Force Station
21 CSG/DEER
Elmendorf AFB Co: Anchorage AK 99506–5000
Landholding Agency: Air Force
Property Number: 189010336
Status: Unutilized
Reason: Secured Area, Isolated area, Not accessible by road, Contamination

Bldg. 205
Kotzebue Air Force Station
21 CSG/DEER
Elmendorf AFB Co: Anchorage AK 99506–5000
Landholding Agency: Air Force
Property Number: 189010337
Status: Unutilized
Reason: Secured Area, Isolated area, Not accessible by road, Contamination

Bldg. 1001
Kotzebue Air Force Station
21 CSG/DEER
Elmendorf AFB Co: Anchorage AK 99506–5000
Landholding Agency: Air Force
Property Number: 189010338
Status: Unutilized
Reason: Secured Area, Isolated area, Not accessible by road, Contamination

Bldg. 1015
Kotzebue Air Force Station
21 CSG/DEER
Elmendorf AFB Co: Anchorage AK 99506–5000
Landholding Agency: Air Force
Property Number: 189010339
Status: Unutilized
Reason: Secured Area, Isolated area, Not accessible by road, Contamination

Bldg. 50
Cold Bay Air Force Station
21 CSG/DEER
Elmendorf AFB Co: Anchorage AK 99506–5000
Landholding Agency: Air Force
Property Number: 189010433
Status: Unutilized
Reason: Other, Isolated area, Not accessible by road
Comment: Isolated and remote; Arctic environment

Bldg. 1548, Galena Airport
Elmendorf AFB AK 99506–4420
Landholding Agency: Air Force
Property Number: 189420001
Status: Unutilized
Reason: Floodway, Secured Area, Extensive deterioration

Bldg. 1568, Galena Airport
Elmendorf AFB AK 99506–4420
Landholding Agency: Air Force
Property Number: 189420002
Status: Unutilized
Reason: Floodway, Secured Area, Extensive deterioration

Bldg. 1570, Galena Airport
Elmendorf AFB AK 99506–4420
Landholding Agency: Air Force
Property Number: 189420003
Status: Unutilized
Reason: Floodway, Secured Area, Extensive deterioration

Bldg. 1700, Galena Airport
Elmendorf AFB AK 99506–4420
Landholding Agency: Air Force
Property Number: 189420004
Status: Unutilized
Reason: Floodway, Secured Area, Extensive deterioration

Bldg. 1832, Galena Airport
Elmendorf AFB AK 99506–4420
Landholding Agency: Air Force
Property Number: 189420005
Status: Unutilized
Reason: Floodway, Secured Area, Extensive deterioration

Bldg. 1842, Galena Airport
Elmendorf AFB AK 99506–4420
Landholding Agency: Air Force
Property Number: 189420006
Status: Unutilized
Reason: Floodway, Secured Area, Extensive deterioration

Bldg. 1844, Galena Airport
Elmendorf AFB AK 99506–4420
Landholding Agency: Air Force
Property Number: 189420007
Status: Unutilized
Reason: Floodway, Secured Area, Extensive deterioration

Bldg. 1853, Galena Airport
Elmendorf AFB AK 99506–4420
Landholding Agency: Air Force
Property Number: 189440011
Status: Unutilized
Reason: Secured Area, Floodway

Bldg. 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

Bldg. 142
Tin City Long Range Radar Site
Wales Co: Nome AK
Landholding Agency: Air Force
Property Number: 189520013
Status: Unutilized
Reason: Secured Area, Extensive deterioration

Bldg. 110
Tin City Long Range Radar Site
Wales Co: Nome AK
Landholding Agency: Air Force
Property Number: 189520014
Status: Unutilized
Reason: Secured Area, Extensive deterioration

Bldg. 646
King Salmon Airport
Naknek Co: Bristol Bay AK
Landholding Agency: Air Force
Property Number: 189520015
Status: Unutilized
Reason: Secured Area, Extensive deterioration

Bldg. 2541

Galena Airport
Galena Co: Yukon AK
Landholding Agency: Air Force
Property Number: 189520016
Status: Unutilized
Reason: Secured Area, Extensive deterioration

Bldg. 1770
Galena Airport
Galena Co: Yukon AK
Landholding Agency: Air Force
Property Number: 189520017
Status: Unutilized
Reason: Secured Area, Extensive deterioration

Bldg. 1
Lonely Dewline Site
Fairbanks Co: Fairbanks NS AK
Landholding Agency: Air Force
Property Number: 189520024
Status: Unutilized
Reason: Extensive deterioration

Bldg. 2
Lonely Dewline Site
Fairbanks Co: Fairbanks NS AK
Landholding Agency: Air Force
Property Number: 189520025
Status: Unutilized
Reason: Extensive deterioration, Not accessible by road

Bldg. 12
Lonely Dewline Site
Fairbanks Co: Fairbanks NS AK
Landholding Agency: Air Force
Property Number: 189520026
Status: Unutilized
Reason: Extensive deterioration, Not accessible by road

Bldg. 1
Wainwright Dewline Site
Fairbanks Co: Fairbanks NS AK
Landholding Agency: Air Force
Property Number: 189520027
Status: Unutilized
Reason: Extensive deterioration, Not accessible by road

Bldg. 2
Wainwright Dewline Site
Fairbanks Co: Fairbanks NS AK
Landholding Agency: Air Force
Property Number: 189520028
Status: Unutilized
Reason: Extensive deterioration, Not accessible by road

Bldg. 3
Wainwright Dewline Site
Fairbanks Co: Fairbanks NS AK
Landholding Agency: Air Force
Property Number: 189520029
Status: Unutilized
Reason: Extensive deterioration, Not accessible by road

Bldg. 3024
Tatalina Long Range Radar Site
Elmendorf AFB AK 99506–4420
Landholding Agency: Air Force
Property Number: 189530001
Status: Unutilized
Reason: Secured Area, Extensive deterioration

Bldg. 3045
Tatalina Long Range Radar Site
Elmendorf AFB AK 99506–4420
Landholding Agency: Air Force
Property Number: 189530002
Status: Unutilized
Reason: Secured Area, Extensive deterioration

Bldg. 18
Lonely Dewline Site
Elmendorf AFB AK 99506–4420
Landholding Agency: Air Force
Property Number: 189530003
Status: Unutilized
Reason: Secured Area, Extensive deterioration

Bldg. 23
Lonely Dewline Site
Elmendorf AFB AK 99506–4420
Landholding Agency: Air Force
Property Number: 189530004
Status: Unutilized
Reason: Secured Area, Extensive deterioration

Bldg. 1015
Kotzebue Long Range Radar Site
Elmendorf AFB AK 99506–4420
Landholding Agency: Air Force
Property Number: 189530005
Status: Unutilized
Reason: Secured Area, Extensive deterioration

Bldg. 1
Flaxman Island DEW Site
Elmendorf AFB AK 99506–4420
Landholding Agency: Air Force
Property Number: 189530006
Status: Unutilized
Reason: Secured Area, Extensive deterioration

Bldg. 2
Flaxman Island DEW Site
Elmendorf AFB AK 99506–4420
Landholding Agency: Air Force
Property Number: 189530007
Status: Unutilized
Reason: Secured Area, Extensive deterioration

Bldg. 3
Flaxman Island DEW Site
Elmendorf AFB AK 99506–4420
Landholding Agency: Air Force
Property Number: 189530008
Status: Unutilized
Reason: Secured Area, Extensive deterioration

Bldg. 4100
Cape Romanzof Long Range Radar Site
Elmendorf AFB AK 99506–4420
Landholding Agency: Air Force
Property Number: 189530008
Status: Unutilized
Reason: Secured Area, Extensive deterioration

Bldg. 200
Cape Newenham Long Range Radar Site
Elmendorf AFB AK 99506–4420
Landholding Agency: Air Force
Property Number: 189530010
Status: Unutilized
Reason: Secured Area, Extensive deterioration

Bldg. 2166
Cape Newenham Long Range Radar Site
Elmendorf AFB AK 99506–4420
Landholding Agency: Air Force
Property Number: 189530011
Status: Unutilized
Reason: Extensive deterioration

Bldg. 5500
Cape Newenham Long Range Radar Site
Elmendorf AFB AK 99506–4420
Landholding Agency: Air Force
Property Number: 189530012
Status: Unutilized
Reason: Secured Area, Extensive deterioration

Bldg. 8
Barter Island
Elmendorf AFB AK 99506–4420
Landholding Agency: Air Force
Property Number: 189530013
Status: Unutilized
Reason: Secured Area, Extensive deterioration

Bldg. 75
Barter Island
Elmendorf AFB AK 99506–4420
Landholding Agency: Air Force
Property Number: 189530014
Status: Unutilized
Reason: Secured Area, Extensive deterioration

Bldg. 86
Barter Island
Elmendorf AFB AK 99506–4420
Landholding Agency: Air Force
Property Number: 189530015
Status: Unutilized
Reason: Secured Area, Extensive deterioration

Bldg. 3060
Barter Island
Elmendorf AFB AK 99506–4420
Landholding Agency: Air Force
Property Number: 189530016
Status: Unutilized
Reason: Secured Area, Extensive deterioration

Bldg. 11–330
Elmendorf Air Force Base
Anchorage AK 99506–3240
Landholding Agency: Air Force
Property Number: 189530017
Status: Unutilized
Reason: Within airport runway clear zone, Secured Area, Extensive deterioration

Bldg. 11–490
Elmendorf Air Force Base
Anchorage AK 99506–3240
Landholding Agency: Air Force
Property Number: 189530018
Status: Unutilized
Reason: Within airport runway clear zone, Secured Area, Extensive deterioration

Bldg. 21–870
Elmendorf Air Force Base
Anchorage AK 99506–3240
Landholding Agency: Air Force
Property Number: 189530019
Status: Unutilized
Reason: Secured Area

Bldg. 21–010
Elmendorf Air Force Base
Anchorage AK 99506–3240
Landholding Agency: Air Force
Property Number: 189530020
Status: Unutilized
Reason: Within 2000 ft. of flammable or explosive material, Secured Area, Extensive deterioration

Bldg. 24–811

Elmendorf Air Force Base
Anchorage AK 99506–3240
Landholding Agency: Air Force
Property Number: 189530021
Status: Unutilized
Reason: Within airport runway clear zone, Secured Area, Extensive deterioration

Bldg. 31–342
Elmendorf Air Force Base
Anchorage AK 99506–3240
Landholding Agency: Air Force
Property Number: 189530022
Status: Unutilized
Reason: Secured Area, Extensive deterioration

Bldg. 32–126
Elmendorf Air Force Base
Anchorage AK 99506–3240
Landholding Agency: Air Force
Property Number: 189530023
Status: Unutilized
Reason: Within airport runway clear zone, Secured Area, Extensive deterioration

Bldg. 32–129
Elmendorf Air Force Base
Anchorage AK 99506–3240
Landholding Agency: Air Force
Property Number: 189530024
Status: Unutilized
Reason: Within airport runway clear zone, Secured Area, Extensive deterioration

Bldg. 42–350
Elmendorf Air Force Base
Anchorage AK 99506–3240
Landholding Agency: Air Force
Property Number: 189530025
Status: Unutilized
Reason: Within airport runway clear zone, Secured Area, Extensive deterioration

Bldg. 44–775
Elmendorf Air Force Base
Anchorage AK 99506–3240
Landholding Agency: Air Force
Property Number: 189530026
Status: Unutilized
Reason: Within airport runway clear zone, Secured Area, Extensive deterioration

Bldg. 73–402
Elmendorf Air Force Base
Anchorage AK 99506–3240
Landholding Agency: Air Force
Property Number: 189530027
Status: Unutilized
Reason: Within airport runway clear zone, Secured Area

Bldg. 73–403
Elmendorf Air Force Base
Anchorage AK 99506–3240
Landholding Agency: Air Force
Property Number: 189530028
Status: Unutilized
Reason: Within airport runway clear zone, Secured Area, Extensive deterioration

Bldg. 21–737
Elmendorf Air Force Base
Anchorage AK 99506–5000
Landholding Agency: Air Force
Property Number: 189540001
Status: Unutilized
Reason: Secured Area, Extensive deterioration

Bldg. 23–990
Elmendorf AFB
Anchorage AK 99506–3240
Landholding Agency: Air Force
Property Number: 189630034
Status: Unutilized
Reason: Within airport runway clear zone, Floodway, Secured Area, Extensive deterioration

Bldg. 25–001
Elmendorf Air Force Base
Anchorage AK 99506–3240
Landholding Agency: Air Force
Property Number: 189710005
Status: Unutilized
Reason: Secured Area

Bldg. 25–002
Elmendorf Air Force Base
Anchorage AK 99506–3240
Landholding Agency: Air Force
Property Number: 189710006
Status: Unutilized
Reason: Secured Area

Bldg. 25–003
Elmendorf Air Force Base
Anchorage AK 99506–3240
Landholding Agency: Air Force
Property Number: 189710007
Status: Unutilized
Reason: Secured Area

Bldg. 25–004
Elmendorf of Air Force Base
Anchorage AK 99506–3240
Landholding Agency: Air Force
Property Number: 189710008
Status: Unutilized
Reason: Secured Area

Bldg. 25–005
Elmendorf Air Force Base
Anchorage AK 99506–3240
Landholding Agency: Air Force
Property Number: 189710009
Status: Unutilized
Reason: Secured Area

Bldg. 25–010
Elmendorf Air Force Base
Anchorage AK 99506–3240
Landholding Agency: Air Force
Property Number: 189710010
Status: Unutilized
Reason: Secured Area

Bldg. 25–011
Elmendorf Air Force Base
Anchorage AK 99506–3240
Landholding Agency: Air Force
Property Number: 189710011
Status: Unutilized
Reason: Secured Area

Bldg. 25–019
Elmendorf Air Force Base
Anchorage AK 99506–3240
Landholding Agency: Air Force
Property Number: 189710012
Status: Unutilized
Reason: Secured Area

Bldg. 25–300
Elmendorf Air Force Base
Anchorage AK 99506–3240
Landholding Agency: Air Force
Property Number: 189710013
Status: Unutilized
Reason: Secured Area

Bldg. 28
USCG Support Center
Kodiak Co: Kodiak Island AK 99619–5000
Landholding Agency: DOT
Property Number: 879210126
Status: Excess
Reason: Within airport runway clear zone, Secured Area

Bldg. 24
USCG Support Center
Kodiak Co: Kodiak Island AK 99619–5000
Landholding Agency: DOT
Property Number: 879210127
Status: Excess
Reason: Within airport runway clear zone, Secured Area, Within 2000 ft. of flammable or explosive material

Bldg. 19
USCG Support Center
Kodiak Co: Kodiak Island AK 99619–5000
Landholding Agency: DOT
Property Number: 879210128
Status: Excess
Reason: Within airport runway clear zone, Secured Area, Other
Comment: Extensive deterioration

Bldg. 94
USCG Support Center
Kodiak Co: Kodiak Island AK 99619–5000
Landholding Agency: DOT
Property Number: 879210129
Status: Excess
Reason: Secured Area, Other
Comment: Extensive deterioration

Bldg. 18
USCG Support Center
Kodiak Co: Kodiak Island AK 99619–5000
Landholding Agency: DOT
Property Number: 879210132
Status: Excess
Reason: Secured Area, Within airport runway clear zone
GSA Number: U–ALAS–655A

Bldg. A512
USCG Support Center
Kodiak Co: Kodiak Island AK 99619–5000
Landholding Agency: DOT
Property Number: 879210133
Status: Excess
Reason: Secured Area, Within airport runway clear zone, Within 2000 ft. of flammable or explosive material

Bldg. R1, Holiday Beach
U.S. Coast Guard Support Center
Kodiak Co: Kodiak Island AK 99619–5014
Landholding Agency: DOT
Property Number: 879310014
Status: Unutilized
Reason: Secured Area

Bldg. S–3
U.S. Coast Guard Support Center
Kodiak Co: Kodiak Island AK 99619–5014
Landholding Agency: DOT
Property Number: 879310015
Status: Unutilized
Reason: Secured Area

Bldg. S–16
U.S. Coast Guard Support Center
Kodiak Co: Kodiak Island AK 99619–5014
Landholding Agency: DOT
Property Number: 879310016
Status: Unutilized
Reason: Secured Area

Bldg. 82
U.S. Coast Guard Support Center
Kodiak Co: Kodiak Island AK 99619–5014
Landholding Agency: DOT
Property Number: 879310017
Status: Unutilized

Reason: Secured Area

Bldg. 86
U.S. Coast Guard Support Center
Kodiak Co: Kodiak Island AK 99619–5014
Landholding Agency: DOT
Property Number: 879310018
Status: Unutilized
Reason: Secured Area

Bldg. 98
U.S. Coast Guard Support Center
Kodiak Co: Kodiak Island AK 99619–5014
Landholding Agency: DOT
Property Number: 879310019
Status: Unutilized
Reason: Secured Area

Bldg. 524A
U.S. Coast Guard Support Center
Kodiak Co: Kodiak Island AK 99619–5014
Landholding Agency: DOT
Property Number: 879310020
Status: Unutilized
Reason: Within airport runway clear zone, Secured Area

Bldg. 624
U.S. Coast Guard Support Center
Kodiak Co: Kodiak Island AK 99619–5014
Landholding Agency: DOT
Property Number: 879310021
Status: Unutilized
Reason: Within airport runway clear zone, Secured Area

Housing Ketchikan (Naushon UPH)
3615 Baranof Avenue
Kethikan Co: Ketchikan AK 99801–
Landholding Agency: DOT
Property Number: 879320005
Status: Unutilized
Reason: Extensive deterioration

Old Petersburg Moorings
Cannery Wharf
Petersburg AK 99833–
Landholding Agency: DOT
Property Number: 879330002
Status: Unutilized
Reason: Extensive deterioration

Bldg. 408–B
USCG Support Center Kodiak
Kodiak Co: Kodiak Is. Bor. AK 99619–
Landholding Agency: DOT
Property Number: 879640001
Status: Unutilized
Reason: Within 2000 ft. of flammable or explosive material, Secured Area

Bldg. 456
Coast Guard—ISC Kodiak
Kodiak Co: Kodiak Borough AK 99615–
Landholding Agency: DOT
Property Number: 879710002
Status: Excess
Reason: Within airport runway clear zone, Secured Area, Extensive deterioration

Bldg. Building 524A
USCG ISC Kodiak
Kodiak Co: Kodiak Is Bor AK 99619–
Landholding Agency: DOT
Property Number: 879710004
Status: Excess
Reason: Floodway, Secured Area

Bldg. R13, USCG ISC Kodiak
Holiday Beach
Kodiak Co: Kodiak Is Bor AK 99619–
Landholding Agency: DOT
Property Number: 879720003
Status: Excess
Reason: Secured Area

Bldg. 172, USCG ISC Kodiak
Nyman's Peninsula
Kodiak Co: Kodiak Is Bor AK 99619–
Landholding Agency: DOT
Property Number: 879720004
Status: Excess
Reason: Secured Area

Bldg. 160, USCG ISC Kodiak
Comsta/Buskin Lake
Kodiak Co: Kodiak Is Bor AK 99619–
Landholding Agency: DOT
Property Number: 879720005
Status: Excess
Reason: Secured Area, Extensive deterioration

Arizona

Facility 90002
Holbrook Radar Site
Holbrook Co: Navajo AZ 86025–
Landholding Agency: Air Force
Property Number: 189340049
Status: Unutilized
Reason: Within airport runway clear zone

Facility #41
Gila Bend AF Auxiliary Field
Gila Bend Co: Maricopa AZ
Landholding Agency: Air Force
Property Number: 189710002
Status: Unutilized
Reason: Secured Area

Inn Cabin #9
North Rim Grand Canyon
Grand Canyon Co: Coconino AZ 86023–
Landholding Agency: Interior
Property Number: 619530013
Status: Unutilized
Reason: Extensive deterioration

California

Bldg. 707 63 ABG/DE
Norton Air Force Base
Norton Co: San Bernadina 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 Bernadina 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 Bernadina CA 92409–5045
Landholding Agency: Air Force
Property Number: 189010196
Status: Excess
Reason: Within 2000 ft. of flammable or explosive material, Secured Area

Bldg. 23 63 ABG/DE
Norton Air Force Base
Norton Co: San Bernadino CA 92409–5045
Landholding Agency: Air Force
Property Number: 189010197
Status: Excess
Reason: Within 2000 ft. of flammable or explosive material, Secured Area

Bldg. 100
Point Arena Air Force Station
(See County) Co: Mendocino CA 95468–5000
Landholding Agency: Air Force
Property Number: 189010233
Status: Unutilized
Reason: Secured Area

Bldg. 101
Point Arena Air Force Station
(See County) Co: Mendocino CA 95468–5000
Landholding Agency: Air Force
Property Number: 189010234
Status: Underutilized
Reason: Secured Area

Bldg. 116
Point Arena Air Force Station
(See County) Co: Mendocino CA 95468–5000
Landholding Agency: Air Force
Property Number: 189010235
Status: Unutilized
Reason: Secured Area

Bldg. 202
Point Arena Air Force Station
(See County) Co: Mendocino CA 95468–5000
Landholding Agency: Air Force
Property Number: 189010236
Status: Unutilized
Reason: Secured Area

Bldg. 201
Vandenberg Air Force Base
Point Arguello
Vandenberg AFB Co: Santa Barbara CA 93437–
Location: Highway 1, Highway 246, Coast Road, Pt Sal Road, Miguelito Cyn.
Landholding Agency: Air Force
Property Number: 189010546
Status: Unutilized
Reason: Secured Area

Bldg. 202
Vandenberg Air Force Base
Point Arguello
Vandenberg AFB Co: Santa Barbara CA 93437–
Location: Highway 1, Highway 246, Coast Road, Pt Sal Road, Miguelito Cyn.
Landholding Agency: Air Force
Property Number: 189010547
Status: Unutilized
Reason: Secured Area

Bldg. 203
Vandenberg Air Force Base
Point Arguello
Vandenberg AFB Co: Santa Barbara CA 93437–
Location: Highway 1, Highway 246, Coast Road, Pt Sal Road, Miguelito Cyn.
Landholding Agency: Air Force
Property Number: 189010548
Status: Unutilized
Reason: Secured Area

Bldg. 204
Vandenberg Air Force Base
Point Arguello
Vandenberg AFB Co: Santa Barbara CA 93437–
Location: Highway 1, Highway 246, Coast Road, Pt Sal Road, Miguelito Cyn.
Landholding Agency: Air Force
Property Number: 189010549
Status: Unutilized
Reason: Secured Area

Bldg. 1823
Vandenberg Air Force Base
Vandenberg AFB Co: Santa Barbara CA 93437–

Location: Hwy 1, Hwy 246, Coast Road, PT Sal Rd., Miguelito CYN
Landholding Agency: Air Force
Property Number: 189130360
Status: Excess
Reason: Secured Area, Within 2000 ft. of flammable or explosive material

Bldg. 10312
Vandenberg Air Force Base
Vandenberg AFB Co: Santa Barbara CA 93437–
Landholding Agency: Air Force
Property Number: 189210026
Status: Unutilized
Reason: Secured Area

Bldg. 10503
Vandenberg Air Force Base
Vandenberg AFB Co: Santa Barbara CA 93437–
Landholding Agency: Air Force
Property Number: 189210028
Status: Unutilized
Reason: Secured Area

Bldg. 16104, Vandenberg AFB
Vandenberg AFB Co: Santa Barbara CA 93437–
Location: Hwy 1, Hwy 246, Coast Rd., Pt Sal Rd., Miguelito Cyn
Landholding Agency: Air Force
Property Number: 189230020
Status: Underutilized
Reason: Secured Area

Bldg. 5428, Vandenberg AFB
Vandenberg Co: Santa Barbara CA 93437–
Landholding Agency: Air Force
Property Number: 189310015
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. 7304, Vandenberg AFB
Vandenberg Co: Santa Barbara CA 93437–
Landholding Agency: Air Force
Property Number: 189310030
Status: Unutilized
Reason: Secured Area

Bldg. 8215
Vandenberg Air Force Base
Vandenberg AFB Co: Santa Barbara CA 93437–
Landholding Agency: Air Force
Property Number: 189330016
Status: Unutilized
Reason: Secured Area

Bldg. 1988
Vandenberg Air Force Base
Vandenberg AFB Co: Santa Barbara CA 93437–
Landholding Agency: Air Force
Property Number: 189340003
Status: Unutilized
Reason: Other, Secured Area
Comment: Electrical Power Generator Bldg.

Bldg. 1324
Vandenberg Air Force Base
Vandenberg AFB Co: Santa Barbara CA 93437–
Landholding Agency: Air Force
Property Number: 189340006
Status: Unutilized
Reason: Secured Area

Bldg. 1341
Vandenberg Air Force Base
Vandenberg AFB Co: Santa Barbara CA 93437–
Landholding Agency: Air Force
Property Number: 189340007
Status: Unutilized
Reason: Secured Area

Bldg. 1955
Vandenberg Air Force Base
Vandenberg AFB Co: Santa Barbara CA 93437–
Landholding Agency: Air Force
Property Number: 189340008
Status: Unutilized
Reason: Secured Area

Bldg. 5007
Vandenberg Air Force Base
Vandenberg AFB Co: Santa Barbara CA 93437–
Landholding Agency: Air Force
Property Number: 189340009
Status: Unutilized
Reason: Secured Area

Bldg. 6008
Vandenberg Air Force Base
Vandenberg AFB Co: Santa Barbara CA 93437–
Landholding Agency: Air Force
Property Number: 189340014
Status: Unutilized
Reason: Secured Area

Bldg. 6443
Vandenberg Air Force Base
Vandenberg AFB Co: Santa Barbara CA 93437–
Landholding Agency: Air Force
Property Number: 189340020
Status: Unutilized
Reason: Secured Area

Bldg. 7306
Vandenberg Air Force Base
Vandenberg AFB Co: Santa Barbara CA 93437–
Landholding Agency: Air Force
Property Number: 189340022
Status: Unutilized
Reason: Secured Area

Bldg. 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. 16164
Vandenberg Air Force Base
Vandenberg AFB Co: Santa Barbara CA 93437–
Landholding Agency: Air Force
Property Number: 189340028
Status: Unutilized
Reason: Secured Area

Bldg. 6521
Vandenberg Air Force Base
Vandenberg AFB Co: Santa Barbara CA 93437–
Landholding Agency: Air Force
Property Number: 189410004
Status: Unutilized
Reason: Secured Area

Bldg. 1203
Vandenberg Air Force Base
Vandenberg AFB Co: Santa Barbara CA 93437–
Landholding Agency: Air Force
Property Number: 189440001
Status: Unutilized
Reason: Secured Area

Bldg. 6348
Vandenberg Air Force Base
Vandenberg Co: Santa Barbara CA 93437–
Landholding Agency: Air Force
Property Number: 189510020
Status: Unutilized
Reason: Secured Area

Bldg. 908
Vandenberg Air Force Base
Vandenberg AFB Co: Santa Barbara CA 93437–
Landholding Agency: Air Force
Property Number: 189520018
Status: Excess
Reason: Other
Comment: Detached Latrine

Bldg. 13004
Vandenberg Air Force Base
Vandenberg AFB Co: Santa Barbara CA 93437–
Landholding Agency: Air Force
Property Number: 189520022
Status: Excess
Reason: Secured Area, Extensive deterioration

Bldg. 422
Vandenberg Air Force Base
Vandenberg AFB Co: Santa Barbara CA 93437–
Landholding Agency: Air Force
Property Number: 189530029
Status: Unutilized
Reason: Secured Area, Extensive deterioration

Bldg. 431
Vandenberg Air Force Base
Vandenberg AFB Co: Santa Barbara CA 93437–
Landholding Agency: Air Force
Property Number: 189530030
Status: Unutilized
Reason: Secured Area, Extensive deterioration

Bldg. 470
Vandenberg Air Force Base
Vandenberg AFB Co: Santa Barbara CA 93437–
Landholding Agency: Air Force
Property Number: 189530031
Status: Unutilized
Reason: Secured Area, Extensive deterioration

Bldg. 480
Vandenberg Air Force Base
Vandenberg AFB Co: Santa Barbara CA 93437–
Landholding Agency: Air Force
Property Number: 189530032
Status: Unutilized
Reason: Secured Area, Extensive deterioration

Bldg. 508
Vandenberg Air Force Base
Vandenberg AFB Co: Santa Barbara CA 93437–
Landholding Agency: Air Force
Property Number: 189530033

Status: Unutilized
Reason: Secured Area, Extensive deterioration
Bldg. 6011
Vandenberg Air Force Base
Vandenberg AFB Co: Santa Barbara CA 93437–
Landholding Agency: Air Force
Property Number: 189530035
Status: Unutilized
Reason: Secured Area, Extensive deterioration
Bldg. 6606
Vandenberg Air Force Base
Vandenberg AFB Co: Santa Barbara CA 93437–
Landholding Agency: Air Force
Property Number: 189530037
Status: Unutilized
Reason: Secured Area, Extensive deterioration
Bldg. 7200
Vandenberg Air Force Base
Vandenberg AFB Co: Santa Barbara CA 93437–
Landholding Agency: Air Force
Property Number: 189530038
Status: Unutilized
Reason: Secured Area, Extensive deterioration
Bldg. 7307
Vandenberg Air Force Base
Vandenberg AFB Co: Santa Barbara CA 93437–
Landholding Agency: Air Force
Property Number: 189530039
Status: Unutilized
Reason: Secured Area, Extensive deterioration
Bldg. 10717
Vandenberg Air Force Base
Vandenberg AFB Co: Santa Barbara CA 93437–
Landholding Agency: Air Force
Property Number: 189530041
Status: Unutilized
Reason: Secured Area, Extensive deterioration
Bldg. 10722
Vandenberg Air Force Base
Vandenberg AFB Co: Santa Barbara CA 93437–
Landholding Agency: Air Force
Property Number: 189530043
Status: Unutilized
Reason: Secured Area, Extensive deterioration
Bldg. 13213
Vandenberg Air Force Base
Vandenberg AFB Co: Santa Barbara CA 93437–
Landholding Agency: Air Force
Property Number: 189530044
Status: Unutilized
Reason: Secured Area, Extensive deterioration
Bldg. 13215
Vandenberg Air Force Base
Vandenberg AFB Co: Santa Barbara CA 93437–
Landholding Agency: Air Force
Property Number: 189530045
Status: Unutilized
Reason: Secured Area, Extensive deterioration
Bldg. 893
Vandenberg Air Force Base
Vandenberg AFB Co: Santa Barbara CA 93437–
Landholding Agency: Air Force
Property Number: 189620028
Status: Unutilized
Reason: Secured Area, Extensive deterioration
Bldg. 9350
Vandenberg Air Force Base
Vandenberg AFB Co: Santa Barbara CA 93437–
Landholding Agency: Air Force
Property Number: 189620030
Status: Unutilized
Reason: Secured Area, Extensive deterioration
Bldg. 13003
Vandenberg Air Force Base
Vandenberg AFB Co: Santa Barbara CA 93437–
Landholding Agency: Air Force
Property Number: 189620031
Status: Unutilized
Reason: Secured Area, Extensive deterioration
Bldg. 13222
Vandenberg Air Force Base
Vandenberg AFB Co: Santa Barbara CA 93437–
Landholding Agency: Air Force
Property Number: 18960032
Status: Unutilized
Reason: Secured Area, Extensive deterioration
Bldg. 611
Vandenberg Air Force Base
Vandenberg AFB Co: Santa Barbara CA 93437–
Landholding Agency: Air Force
Property Number: 189630039
Status: Unutilized
Reason: Secured Area, Extensive deterioration
Bldg. 815
Vandenberg Air Force Base
Vandenberg AFB Co: Santa Barbara CA 93437–
Landholding Agency: Air Force
Property Number: 189630040
Status: Unutilized
Reason: Secured Area, Extensive deterioration
Bldg. 1850
Vandenberg Air Force Base
Vandenberg AFB Co: Santa Barbara CA 93437–
Landholding Agency: Air Force
Property Number: 189630041
Status: Unutilized
Reason: Secured Area, Extensive deterioration
Bldg. 1853
Vandenberg Air Force Base
Vandenberg AFB Co: Santa Barbara CA 93437–
Landholding Agency: Air Force
Property Number: 189630042
Status: Unutilized
Reason: Secured Area, Extensive deterioration
Bldg. 1856
Vandenberg Air Force Base
Vandenberg AFB Co: Santa Barbara CA 93437–
Landholding Agency: Air Force
Property Number: 189630043
Status: Unutilized
Reason: Secured Area, Extensive deterioration
Bldg. 1865
Vandenberg Air Force Base
Vandenberg AFB Co: Santa Barbara CA 93437–
Landholding Agency: Air Force
Property Number: 189630044
Status: Unutilized
Reason: Secured Area, Extensive deterioration
Bldg. 1874
Vandenberg Air Force Base
Vandenberg AFB Co: Santa Barbara CA 93437–
Landholding Agency: Air Force
Property Number: 189630045
Status: Unutilized
Reason: Secured Area, Extensive deterioration
Bldg. 1875
Vandenberg Air Force Base
Vandenberg AFB Co: Santa Barbara CA 93437–
Landholding Agency: Air Force
Property Number: 189630046
Status: Unutilized
Reason: Secured Area, Extensive deterioration
Bldg. 1877
Vandenberg Air Force Base
Vandenberg AFB Co: Santa Barbara CA 93437–
Landholding Agency: Air Force
Property Number: 189630047
Status: Unutilized
Reason: Secured Area, Extensive deterioration
Bldg. 1879
Vandenberg Air Force Base
Vandenberg AFB Co: Santa Barbara CA 93437–
Landholding Agency: Air Force
Property Number: 189630048
Status: Unutilized
Reason: Secured Area, Extensive deterioration
Bldg. 1885
Vandenberg Air Force Base
Vandenberg AFB Co: Santa Barbara CA 93437–
Landholding Agency: Air Force
Property Number: 189630049
Status: Unutilized
Reason: Secured Area, Extensive deterioration
Bldg. 1898
Vandenberg Air Force Base
Vandenberg AFB Co: Santa Barbara CA 93437–
Landholding Agency: Air Force
Property Number: 189630050
Status: Unutilized
Reason: Secured Area, Extensive deterioration
Bldg. 06440
Vandenberg Air Force Base
Vandenberg AFB Co: Santa Barbara CA 93437–

Landholding Agency: Air Force
Property Number: 189630051
Status: Unutilized
Reason: Secured Area, Extensive deterioration

Bldg. 06445
Vandenberg Air Force Base
Vandenberg AFB Co: Santa Barbara CA 93437–
Landholding Agency: Air Force
Property Number: 189630052
Status: Unutilized
Reason: Secured Area, Extensive deterioration

Bldg. 13016
Vandenberg Air Force Base
Vandenberg AFB Co: Santa Barbara CA 93437–
Landholding Agency: Air Force
Property Number: 189630054
Status: Unutilized
Reason: Secured Area, Extensive deterioration

Bldg. 21160
Vandenberg Air Force Base
Vandenberg AFB Co: Santa Barbara CA 93437–
Landholding Agency: Air Force
Property Number: 189630055
Status: Unutilized
Reason: Secured Area, Extensive deterioration

Bldg. 00350
Vandenberg Air Force Base
Vandenberg AFB Co: Santa Barbara CA 93437–
Landholding Agency: Air Force
Property Number: 189630058
Status: Unutilized
Reason: Secured Area, Extensive deterioration

Bldg. 06437
Vandenberg Air Force Base
Vandenberg AFB Co: Santa Barbara CA 93437–
Landholding Agency: Air Force
Property Number: 189710014
Status: Unutilized
Reason: Secured Area, Extensive deterioration

Bldg. 10715
Vandenberg Air Force Base
Vandenberg AFB Co: Santa Barbara CA 93437–
Landholding Agency: Air Force
Property Number: 189710016
Status: Unutilized
Reason: Secured Area, Extensive deterioration

Bldg. 13522
Vandenberg Air Force Base
Vandenberg AFB Co: Santa Barbara CA 93437–
Landholding Agency: Air Force
Property Number: 189710018
Status: Unutilized
Reason: Secured Area, Extensive deterioration

Bldg. 13607
Vandenberg Air Force Base
Vandenberg AFB Co: Santa Barbara CA 93437–
Landholding Agency: Air Force
Property Number: 189710019
Status: Unutilized
Reason: Secured Area, Extensive deterioration

Bldg. 21300
Vandenberg Air Force Base
Vandenberg AFB Co: Santa Barbara CA 93437–
Landholding Agency: Air Force
Property Number: 189710020
Status: Unutilized
Reason: Secured Area, Extensive deterioration

Bldg. 23206
Vandenberg Air Force Base
Vandenberg AFB Co: Santa Barbara CA 93437–
Landholding Agency: Air Force
Property Number: 189710021
Status: Unutilized
Reason: Secured Area, Extensive deterioration

Bldg. 00530
Vandenberg Air Force Base
Vandenberg AFB Co: Santa Barbara CA 93437–
Landholding Agency: Air Force
Property Number: 189720007
Status: Unutilized
Reason: Secured Area, Extensive deterioration

Bldg. 00835
Vandenberg Air Force Base
Vandenberg AFB Co: Santa Barbara CA 93437–
Landholding Agency: Air Force
Property Number: 189720008
Status: Unutilized
Reason: Secured Area, Extensive deterioration

Bldg. 00879
Vandenberg Air Force Base
Vandenberg AFB Co: Santa Barbara CA 93437–
Landholding Agency: Air Force
Property Number: 189720009
Status: Unutilized
Reason: Secured Area, Extensive deterioration

Bldg. 1028
Vandenberg Air Force Base
Vandenberg AFB Co: Santa Barbara CA 93437–
Landholding Agency: Air Force
Property Number: 189720010
Status: Unutilized
Reason: Secured Area, Extensive deterioration

Bldg. 01630
Vandenberg Air Force Base
Vandenberg AFB Co: Santa Barbara CA 93437–
Landholding Agency: Air Force
Property Number: 189720011
Status: Unutilized
Reason: Secured Area, Extensive deterioration

Bldg. 01797
Vandenberg Air Force Base
Vandenberg AFB Co: Santa Barbara CA 93437–
Landholding Agency: Air Force
Property Number: 189720012
Status: Unutilized
Reason: Secured Area, Extensive deterioration

Bldg. 01830
Vandenberg Air Force Base
Vandenberg AFB Co: Santa Barbara CA 93437–
Landholding Agency: Air Force
Property Number: 189720013
Status: Unutilized
Reason: Secured Area, Extensive deterioration

Bldg. 01852
Vandenberg Air Force Base
Vandenberg AFB Co: Santa Barbara CA 93437–
Landholding Agency: Air Force
Property Number: 189720014
Status: Unutilized
Reason: Secured Area, Extensive deterioration

Bldg. 06449
Vandenberg Air Force Base
Vandenberg AFB Co: Santa Barbara CA 93437–
Landholding Agency: Air Force
Property Number: 189720015
Status: Unutilized
Reason: Secured Area, Extensive deterioration

Bldg. 10003
Vandenberg Air Force Base
Vandenberg AFB Co: Santa Barbara CA 93437–
Landholding Agency: Air Force
Property Number: 189720016
Status: Unutilized
Reason: Secured Area, Extensive deterioration

Bldg. 10252
Vandenberg Air Force Base
Vandenberg AFB Co: Santa Barbara CA 93437–
Landholding Agency: Air Force
Property Number: 189720017
Status: Unutilized
Reason: Secured Area, Extensive deterioration

Bldg. 11345
Vandenberg Air Force Base
Vandenberg AFB Co: Santa Barbara CA 93437–
Landholding Agency: Air Force
Property Number: 189720019
Status: Unutilized
Reason: Secured Area, Extensive deterioration

Bldg. 13219
Vandenberg Air Force Base
Vandenberg AFB Co: Santa Barbara CA 93437–
Landholding Agency: Air Force
Property Number: 189720020
Status: Unutilized
Reason: Secured Area, Extensive deterioration

Bldg. 13600
Vandenberg Air Force Base
Vandenberg AFB Co: Santa Barbara CA 93437–
Landholding Agency: Air Force
Property Number: 189720021
Status: Unutilized
Reason: Secured Area, Extensive deterioration

Bldg. 14019
Vandenberg Air Force Base

Vandenberg AFB Co: Santa Barbara CA 93437–
Landholding Agency: Air Force
Property Number: 189720022
Status: Unutilized
Reason: Secured Area, Extensive deterioration

Bldg. 14026
Vandenberg Air Force Base
Vandenberg AFB Co: Santa Barbara CA 93437–
Landholding Agency: Air Force
Property Number: 189720023
Status: Unutilized
Reason: Secured Area, Extensive deterioration

Bldg. 16162
Vandenberg Air Force Base
Vandenberg AFB Co: Santa Barbara CA 93437–
Landholding Agency: Air Force
Property Number: 189720024
Status: Unutilized
Reason: Secured Area, Extensive deterioration

Bldg. 16191
Vandenberg Air Force Base
Vandenberg AFB Co: Santa Barbara CA 93437–
Landholding Agency: Air Force
Property Number: 189720025
Status: Unutilized
Reason: Secured Area, Extensive deterioration

Bldg. 00866
Vandenberg Air Force Base
Vandenberg AFB Co: Santa Barbara CA 93437–
Landholding Agency: Air Force
Property Number: 189730001
Status: Unutilized
Reason: Secured Area, Extensive deterioration

Bldg. 22300
Vandenberg Air Force Base
Vandenberg AFB Co: Santa Barbara CA 93437–
Landholding Agency: Air Force
Property Number: 189730002
Status: Unutilized
Reason: Secured Area, Extensive deterioration

Bldg. 918
Sandia National Laboratories
Livermore CA 94550–
Landholding Agency: Energy
Property Number: 419640001
Status: Unutilized
Reason: Within 2000 ft. of flammable or explosive material, Extensive deterioration

Castle Area Shops
Sequoia National Park
Three Rivers CA 93271–
Landholding Agency: Interior
Property Number: 619720004
Status: Unutilized
Reason: Extensive deterioration

Giant Forest Village
Sequoia National Park
Three Rivers CA 93271–
Landholding Agency: Interior
Property Number: 619720006
Status: Unutilized
Reason: Extensive deterioration

Cabins 90–92, 100V–146
Sequoia National Park
Three Rivers CA 93271–
Landholding Agency: Interior
Property Number: 619720008
Status: Unutilized
Reason: Extensive deterioration

Lower Kaweah 514–549, 594
Sequoia National Park
Three Rivers CA 93271–
Landholding Agency: Interior
Property Number: 619720010
Status: Unutilized
Reason: Extensive deterioration

Lower Kaweah Cabins—various
Sequoia National Park
Three Rivers CA 93271–
Landholding Agency: Interior
Property Number: 619720009
Status: Unutilized
Reason: Extensive deterioration

Bldg. 331
Pinnacles National Monument
Paicines Co: San Benito CA 95043–
Landholding Agency: Interior
Property Number: 619720046
Status: Unutilized
Reason: Extensive deterioration

15 Buildings, Davison Ranch
Orick Co: Humboldt CA 95555–
Landholding Agency: Interior
Property Number: 619720047
Status: Unutilized
Reason: Extensive deterioration

Bldg. 5500
Wolf Creek Outdoor School Lodge
Orick Co: Humboldt CA 95555–
Landholding Agency: Interior
Property Number: 619720048
Status: Unutilized
Reason: Extensive deterioration

Bldg. 31104
Naval Air Weapons Station
China Lake Co: San Bernardino CA 93555–
Landholding Agency: Navy
Property Number: 779340003
Status: Unutilized
Reason: Secured Area

Bldg. 31107
Naval Air Weapons Station
China Lake Co: San Bernardino CA 93555–
Landholding Agency: Navy
Property Number: 779420001
Status: Unutilized
Reason: Secured Area

Bldg. 15951
Naval Air Weapons Stations
China Lake Co: San Bernardino CA 93555–6001
Landholding Agency: Navy
Property Number: 779430006
Status: Unutilized
Reason: Secured Area, Extensive deterioration, Within 2000 ft. of flammable or explosive material

Bldg. 31539
Naval Air Weapons Station
China Lake Co: San Bernardino CA 93555–
Landholding Agency: Navy
Property Number: 779430016
Status: Unutilized
Reason: Within 2000 ft. of flammable or explosive material, Secured Area, Extensive deterioration

Bldg. 00366
Naval Air Weapons Station
China Lake Co: Kern CA 93555–
Landholding Agency: Navy
Property Number: 779520001
Status: Excess
Reason: Secured Area

Bldg. 00405
Naval Air Weapons Station
China Lake Co: Kern CA 93555–
Landholding Agency: Navy
Property Number: 779520002
Status: Excess
Reason: Secured Area

Bldg. 00418
Naval Air Weapons Station
China Lake Co: Kern CA 93555–
Landholding Agency: Navy
Property Number: 779520003
Status: Excess
Reason: Secured Area

Bldg. 00426
Naval Air Weapons Station
China Lake Co: Kern CA 93555–
Landholding Agency: Navy
Property Number: 779520005
Status: Excess
Reason: Secured Area

Bldg. 00427
Naval Air Weapons Station
China Lake Co: Kern CA 93555–
Landholding Agency: Navy
Property Number: 779520006
Status: Excess
Reason: Secured Area

Bldg. 00429
Naval Air Weapons Station
China Lake Co: Kern CA 93555–
Landholding Agency: Navy
Property Number: 779520007
Status: Excess
Reason: Secured Area

Bldg. 00430
Naval Air Weapons Station
China Lake Co: Kern CA 93555–
Landholding Agency: Navy
Property Number: 779520008
Status: Excess
Reason: Secured Area

5 Bldgs.
Naval Air Weapons Station
China Lake Co: Kern CA 93555–
Location: Include: #'s 00360, 00415, 00419, 00423, 00414
Landholding Agency: Navy
Property Number: 779520009
Status: Excess
Reason: Secured Area

5 Bldgs.
Naval Air Weapons Station
China Lake Co: Kern CA 93555–
Location: Include: #'s 00428, 00359, 00362, 00369, 00409
Landholding Agency: Navy
Property Number: 779520010
Status: Excess
Reason: Secured Area

5 Bldgs.
Naval Air Weapons Station
China Lake Co: Kern CA 93555–
Location: Include: #'s 00367, 00416, 00425, 00365, 00368
Landholding Agency: Navy
Property Number: 779520011

Status: Excess
Reason: Secured Area

4 Bldgs.
Naval Air Weapons Station
China Lake Co: Kern CA 93555–
Location: Include: #'s 00370, 00371, 00385, 00404
Landholding Agency: Navy
Property Number: 779520012
Status: Excess
Reason: Secured Area

4 Bldgs.
Naval Air Weapons Station
China Lake Co: Kern CA 93555–
Location: Include: #'s 00412, 00433, 00434, 00435
Landholding Agency: Navy
Property Number: 779520013
Status: Excess
Reason: Secured Area

Bldgs. 31030, 31031 & 31034
Naval Air Weapons Station
China Lake Co: San Bernardino CA 93555–6001
Landholding Agency: Navy
Property Number: 779520015
Status: Excess
Reason: Secured Area, Within 2000 ft. of flammable or explosive material

Bldg. 481
Naval Air Weapons Station, China Lake
China Lake Co: Kern CA 93555–
Landholding Agency: Navy
Property Number: 779520018
Status: Unutilized
Reason: Secured Area

Bldg. 482
Naval Air Weapons Station, China Lake
China Lake Co: Kern CA 93555–
Landholding Agency: Navy
Property Number: 779520019
Status: Excess
Reason: Secured Area

Bldg. 356
Naval Air Weapons Station, China Lake
China Lake Co: Kern CA 93555–
Landholding Agency: Navy
Property Number: 779520020
Status: Excess
Reason: Secured Area

Bldg. 361
Naval Air Weapons Station, China Lake
China Lake Co: Kern CA 93555–
Landholding Agency: Navy
Property Number: 779520021
Status: Excess
Reason: Secured Area

Bldg. 364
Naval Air Weapons Station, China Lake
China Lake Co: Kern CA 93555–
Landholding Agency: Navy
Property Number: 779520022
Status: Excess
Reason: Secured Area

Bldg. 373
Naval Air Weapons Station, China Lake
China Lake Co: Kern CA 93555–
Landholding Agency: Navy
Property Number: 779520023
Status: Excess
Reason: Secured Area

Bldg. 407
Naval Air Weapons Station, China Lake
China Lake Co: Kern CA 93555–
Landholding Agency: Navy
Property Number: 779520024
Status: Excess
Reason: Secured Area

Bldg. 413
Naval Air Weapons Station, China Lake
China Lake Co: Kern CA 93555–
Landholding Agency: Navy
Property Number: 779520025
Status: Excess
Reason: Secured Area

Bldg. 366
Naval Air Weapons Station, China Lake
China Lake Co: Kern CA 93555–
Landholding Agency: Navy
Property Number: 779520026
Status: Unutilized
Reason: Secured Area

Bldg. 432
Naval Air Weapons Station, China Lake
China Lake Co: Kern CA 93555–
Landholding Agency: Navy
Property Number: 779520027
Status: Excess
Reason: Secured Area

Bldg. 372
Naval Air Weapons Station, China Lake
China Lake Co: Kern CA 93555–
Landholding Agency: Navy
Property Number: 779520028
Status: Excess
Reason: Secured Area

Bldg. 417
Naval Air Weapons Station, China Lake
China Lake Co: Kern CA 93555–
Landholding Agency: Navy
Property Number: 779520029
Status: Excess
Reason: Secured Area

Bldg. 422
Naval Air Weapons Station, China Lake
China Lake Co: Kern CA 93555–
Landholding Agency: Navy
Property Number: 779520030
Status: Excess
Reason: Secured Area

Bldg. 424
Naval Air Weapons Station, China Lake
China Lake Co: Kern CA 93555–
Landholding Agency: Navy
Property Number: 779520031
Status: Excess
Reason: Secured Area

Bldg. 30735
Naval Air Weapons Center
China Lake Co: Kern CA 93555–
Landholding Agency: Navy
Property Number: 779530029
Status: Excess
Reason: Secured Area, Extensive deterioration

Bldg. 20186
Observation Tower, Naval Air Weapons Station
China Lake Co: Kern CA 93555–
Landholding Agency: Navy
Property Number: 779540001
Status: Excess
Reason: Extensive deterioration

Bldg. 120
Naval Air Weapons Station, Point Mugu
San Nicholas Island Co: Ventura CA 97042–
Landholding Agency: Navy
Property Number: 779540002
Status: Unutilized
Reason: Secured Area, Extensive deterioration

Bldg. 122
Naval Air Weapons Station
Point Mugu Co: Ventura CA 93042–
Landholding Agency: Navy
Property Number: 779610001
Status: Unutilized
Reason: Secured Area, Extensive deterioration

Bldg. 1468
Naval Construction Battalion Center
Port Hueneme Co: Ventura CA 93043–4301
Landholding Agency: Navy
Property Number: 779610002
Status: Underutilized
Reason: Secured Area

Bldg. 1469
Naval Construction Battalion Center
Port Hueneme Co: Ventura CA 93043–4301
Landholding Agency: Navy
Property Number: 779610003
Status: Underutilized
Reason; Secured Area

Bldg. 31035
Naval Air Weapons Station
China Lake Co: San Bernardino CA 93555–6001
Landholding Agency: Navy
Property Number: 779620036
Status: Excess
Reason: Within 2000 ft. of flammable or explosive material, Secured Area

Bldg. 00358
Naval Air Weapons Station
China Lake Co: Kern CA 93555–
Landholding Agency: Navy
Property Number: 779620046
Status: Unutilized
Reason: Secured Area

Bldg. 00357
Naval Air Weapons Station
China Lake Co: Kern CA 93555–
Landholding Agency: Navy
Property Number: 779620047
Status: Unutilized
Reason: Secured Area

Bldg. 2–43
Naval Air Weapons Station, Point Mugu
Oxnard Co: Ventura CA 93042–5001
Landholding Agency: Navy
Property Number: 779630018
Status: Unutilized
Reason: Secured Area

Bldg. 2–43A
Naval Air Weapons Station, Point Mugu
Oxnard Co: Ventura CA 93042–5001
Landholding Agency: Navy
Property Number: 779630019
Status: Unutilized
Reason: Secured Area

Bldg. 723
Naval Air Weapons Station, Point Mugu
Oxnard Co: Ventura CA 93042–5001
Landholding Agency: Navy
Property Number: 779630020
Status: Unutilized
Reason: Secured Area

Bldg. 330
Naval Air Weapons Station—Point Mugu
Oxnard Co: Ventura CA 93042–5001
Landholding Agency: Navy
Property Number: 779630038

Status: Unutilized
Reason: Extensive deterioration

Building 5–30
Naval Air Weapons Station
Oxnard Co: Ventura CA 93042–
Landholding Agency: Navy
Property Number: 779640011
Status: Unutilized
Reason: Extensive deterioration

Building 305
Naval Air Weapons Station
Oxnard Co: Ventura CA 93042–
Landholding Agency: Navy
Property Number: 779640012
Status: Unutilized
Reason: Extensive deterioration

Building 616
Naval Air Weapons Station
Oxnard Co: Ventura CA 93042–
Landholding Agency: Navy
Property Number: 779640013
Status: Unutilized
Reason: Extensive deterioration

Building 617
Naval Air Weapons Station
Oxnard Co: Ventura CA 93042–
Landholding Agency: Navy
Property Number: 779640014
Status: Unutilized
Reason: Extensive deterioration

Building 618
Naval Air Weapons Station
Oxnard Co: Ventura CA 93042–
Landholding Agency: Navy
Property Number: 779640015
Status: Unutilized
Reason: Extensive deterioration

Bldg. N46
Naval Air Weapons Station, Point Mugu
Oxnard Co: Ventura CA 93042–5001
Landholding Agency: Navy
Property Number: 779710009
Status: Excess
Reason: Secured Area

Bldg. 773
Naval Air Weapons Station, Point Mugu
Oxnard Co: Ventura CA 93042–5001
Landholding Agency: Navy
Property Number: 779710010
Status: Excess
Reason: Secured Area

Bldg. 727
Naval Air Weapons Station, Point Mugu
Oxnard Co: Ventura CA 93042–5001
Landholding Agency: Navy
Property Number: 779720050
Status: Unutilized
Reason: Secured Area

Bldg. 766
Naval Air Weapons Station, Point Mugu
Oxnard Co: Ventura CA 93042–5001
Landholding Agency: Navy
Property Number: 779720107
Status: Excess
Reason: Secured Area

Bldg. 81
Naval Air Weapons Station, Point Mugu
Oxnard Co: Ventura CA 93042–5001
Landholding Agency: Navy
Property Number: 779720108
Status: Excess
Reason: Secured Area

Bldg. 712
Naval Air Weapons Station, Point Mugu
Oxnard Co: Ventura CA 93042–5001
Landholding Agency: Navy
Property Number: 779720109
Status: Excess
Reason: Secured Area

Bldg. 736
Naval Air Weapons Station, Point Mugu
Oxnard Co: Ventura CA 93042–5001
Landholding Agency: Navy
Property Number: 779720110
Status: Excess
Reason: Secured Area

Bldg. 7005
Naval Air Weapons Station, Point Mugu
Oxnard Co: Ventura CA 93042–5001
Landholding Agency: Navy
Property Number: 779720111
Status: Excess
Reason: Secured Area

Bldg. 20193
Naval Air Weapons Station
China Lake Co: Kern CA 93555–6001
Landholding Agency: Navy
Property Number: 779730015
Status: Excess
Reason: Extensive deterioration

Bldg. 70108
Naval Air Weapons Station
China Lake Co: Kern CA 93555–6001
Landholding Agency: Navy
Property Number: 779730016
Status: Excess
Reason: Extensive deterioration

Bldg. 91028
Naval Air Weapons Station
China Lake Co: Kern CA 93555–6001
Landholding Agency: Navy
Property Number: 779730017
Status: Excess
Reason: Extensive deterioration

Bldg. 91030
Naval Air Weapons Station
China Lake Co: Kern CA 93555–6001
Landholding Agency: Navy
Property Number: 779730018
Status: Excess
Reason: Extensive deterioration

Bldg. 91031
Naval Air Weapons Station
China Lake Co: Kern CA 93555–6001
Landholding Agency: Navy
Property Number: 779730020
Status: Excess
Reason: Extensive deterioration

Bldg. 91033
Naval Air Weapons Station
China Lake Co: Kern CA 93555–6001
Landholding Agency: Navy
Property Number: 779730021
Status: Excess
Reason: Extensive deterioration

Bldg. 91034
Naval Air Weapons Station
China Lake Co: Kern CA 93555–6001
Landholding Agency: Navy
Property Number: 779730022
Status: Excess
Reason: Extensive deterioration

Bldg. 91035
Naval Air Weapons Station
China Lake Co: Kern CA 93555–6001
Landholding Agency: Navy
Property Number: 779730023
Status: Excess
Reason: Extensive deterioration

Bldg. 91036
Naval Air Weapons Station
China Lake Co: Kern CA 93555–6001
Landholding Agency: Navy
Property Number: 779730024
Status: Excess
Reason: Extensive deterioration

Bldg. 91056
Naval Air Weapons Station
China Lake Co: Kern CA 93555–6001
Landholding Agency: Navy
Property Number: 779730025
Status: Excess
Reason: Extensive deterioration

10 Bldg.
USCG Station Humboldt Bay
Samoa Co: Humboldt CA 95564–9999
Landholding Agency: DOT
Property Number: 879440027
Status: Excess
Reason: Extensive deterioration
Comment: Land to be relinquished to BLM (Public Domain Land)

Colorado

Bldg. 00910
''Blue Barn''—Falcon Air Force Base
Falcon Co: El Paso CO 80912–
Landholding Agency: Air Force
Property Number: 189530046
Status: Underutilized
Reason: Secured Area

Bldg. 1007
U.S. Air Force Academy
Colorado Springs Co: El Paso CO 80814–2400
Landholding Agency: Air Force
Property Number: 189730003
Status: Underutilized
Reason: Within 2000 ft. of flammable or explosive material, Secured Area, Extensive deterioration

Bldg. 1008
U.S. Air Force Academy
Colorado Springs Co: El Paso CO 80814–2400
Landholding Agency: Air Force
Property Number: 189730004
Status: Underutilized
Reason: Within 2000 ft. of flammable or explosive material, Secured Area, Extensive deterioration

Bldg. 9018
U.S. Air Force Academy
Colorado Springs Co: El Paso CO 80814–2400
Landholding Agency: Air Force
Property Number: 189730005
Status: Underutilized
Reason: Extensive deterioration

Bldg. 34
Grand Junction Projects Office
Grand Junction Co: Mesa CO 81503–
Landholding Agency: Energy
Property Number: 419540001
Status: Underutilized
Reason: Other, Secured Area
Comment: Contamination

Bldg. 35
Grand Junction Projects Office
Grand Junction Co: Mesa CO 81503–
Landholding Agency: Energy
Property Number: 419540002
Status: Underutilized
Reason: Other, Secured Area
Comment: Contamination

Bldg. 36

Grand Junction Projects Office
Grand Junction Co: Mesa CO 81503–
Landholding Agency: Energy
Property Number: 419540003
Status: Underutilized
Reason: Other, Secured Area
Comment: Contamination

Bldg. 2
Grand Junction Projects Office
Grand Junction Co: Mesa CO 81503–
Landholding Agency: Energy
Property Number: 419610039
Status: Unutilized
Reason: Other, Secured Area
Comment: Contamination

Bldg. 7
Grand Junction Projects Office
Grand Junction Co: Mesa CO 81503–
Landholding Agency: Energy
Property Number: 419610040
Status: Unutilized
Reason: Other, Secured Area
Comment: Contamination

Bldg. 31–A
Grand Junction Projects Office
Grand Junction Co: Mesa CO 81503–
Landholding Agency: Energy
Property Number: 419610041
Status: Unutilized
Reason: Other, Secured Area
Comment: Contamination

Bldg. 33
Grand Junction Projects Office
Grand Junction Co: Mesa CO 81503–
Landholding Agency: Energy
Property Number: 419610042
Status: Unutilized
Reason: Other, Secured Area
Comment: Contamination

Alemeda Facility
350 S. Santa Fe Drive
Denver Co: Denver CO 80223–
Landholding Agency: DOT
Property Number: 879010014
Status: Unutilized
Reason: Other environmental
Comment: Contamination

Connecticut

Bldg. 10053
Bradley International Airport
East Granby Co: Hartford CT 06026–9309
Landholding Agency: Air Force
Property Number: 189640001
Status: Unutilized
Reason: Within 2000 ft. of flammable or explosive material, Extensive deterioration

Bldg. 13
Bradley International Airport
East Granby Co: Hartford CT 06026–9309
Landholding Agency: Air Force
Property Number: 189640002
Status: Unutilized
Reason: Within 2000 ft. of flammable or explosive material, Secured Area

Bldg. 10
Bradley International Airport
East Granby Co: Hartford CT 06026–9309
Landholding Agency: Air Force
Property Number: 189640003
Status: Unutilized
Reason: Within 2000 ft. of flammable or explosive material, Secured Area

Bldg. 5
Bradley International Airport
East Granby Co: Hartford CT 06026–9309
Landholding Agency: Air Force
Property Number: 189640004
Status: Unutilized
Reason: Within 2000 ft. of flammable or explosive material

Bldg. 4
Bradley International Airport
East Granby Co: Hartford CT 06026–9309
Landholding Agency: Air Force
Property Number: 189640005
Status: Unutilized
Reason: Within 2000 ft. of flammable or explosive material

Bldgs. 25 and 26
Prospect Hill Road
Windsor Co: Hartford CT 06095–
Landholding Agency: Energy
Property Number: 419440003
Status: Excess
Reason: Secured Area

9 Bldgs.
Knolls Atomic Power Lab, Windsor Site
Windsor Co: Hartford CT 06095–
Landholding Agency: Energy
Property Number: 419540004
Status: Excess
Reason: Secured Area

Naval Housing—7 Bldgs.
Naval Submarine Base
New London Co: Groton CT
Landholding Agency: Navy
Property Number: 779510001
Status: Unutilized
Reason: Secured Area

Bldgs. DG–8, DG–9
Naval Submarine Base New London
Groton Co: New London CT 06349–
Landholding Agency: Navy
Property Number: 779720046
Status: Excess
Reason: Extensive deterioration

Falkner Island Light
U.S. Coast Guard
Guilford Co: New Haven CT 06512–
Landholding Agency: DOT
Property Number: 879240031
Status: Unutilized
Reason: Floodway

Florida

Bldg. 1179
Patrick Air Force Base 1179 School Avenue
Co: Brevard FL 32935–
Landholding Agency: Air Force
Property Number: 189240030
Status: Unutilized
Reason: Secured Area, Other
Comment: Extensive Deterioration

Bldg. 575
Patrick Air Force Base Co: Brevard FL 32925–
Landholding Agency: Air Force
Property Number: 189320004
Status: Unutilized
Reason: Secured Area, Within 2000 ft. of flammable or explosive material, Within airport runway clear zone, Other
Comment: Extensive Deterioration

Facility 90523
Cape Canaveral AFS
Cape Canaveral AFS Co: Brevard FL
Landholding Agency: Air Force
Property Number: 189330001
Status: Underutilized
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

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

23 Family Housing
MacDill Auxiliary Airfield No. 1
Avon Park Co: Polk FL 33825–
Location: Include Bldgs.: 448, 451 thru 470, 472 and 474
Landholding Agency: Air Force
Property Number: 189520006
Status: Excess
Reason: Within airport runway clear zone

Bldg. 240
MacDill Auxiliary Airfield No. 1
Avon Park Co: Polk FL 33825–
Landholding Agency: Air Force
Property Number: 18952007
Status: Excess
Reason: Extensive deterioration

Bldg. 243
Eglin Air Force Base
Eglin AFB Co: Okaloosa FL 32542–5000
Landholding Agency: Air Force
Property Number: 189540002
Status: Unutilized
Reason : Secured Area, Extensive deterioration

Bldg. 510
Eglin Air Force Base
Eglin AFB Co: Okaloosa FL 32542–5000
Landholding Agency: Air Force
Property Number: 189540003
Status: Unutilized
Reason: Secured Area, Extensive deterioration

Bldg. 521
Eglin Air Force Base
Eglin AFB Co: Okaloosa FL 32542–5000

Landholding Agency: Air Force
Property Number: 189540004
Status: Unutilized
Reason: Secured Area, Extensive deterioration

Bldg. 872
Eglin Air Force Base
Eglin AFB Co: Okaloosa FL 32542–5000
Landholding Agency: Air Force
Property Number: 189540005
Status: Unutilized
Reason: Secured Area, Extensive deterioration

Bldg. 30004
Eglin Air Force Base
Eglin AFB Co: Okaloosa FL 32542–5000
Landholding Agency: Air Force
Property Number: 189540006
Status: Unutilized
Reason: Secured Area, Extensive deterioration

Bldg. 12513
Eglin Air Force Base
Eglin AFB Co: Okaloosa FL 32542–5000
Landholding Agency: Air Force
Property Number: 189540007
Status: Unutilized
Reason: Secured Area, Extensive deterioration

Facility 36901
Cape Canaveral Air Station
Cape Canaveral Co: Brevard FL 32925–
Landholding Agency: Air Force
Property Number: 189640006
Status: Unutilized
Reason: Secured Area, Extensive deterioration

Facility 8816
Cape Canaveral Air Station
Cape Canaveral Co: Brevard FL 32925–
Landholding Agency: Air Force
Property Number: 189640007
Status: Unutilized
Reason: Within 2000 ft. of flammable or explosive material, Secured Area

Facility 02
Melbourne Beach Tracking Annex
Melbourne Beach Co: Brevard FL 32925–
Landholding Agency: Air Force
Property Number: 189640008
Status: Unutilized
Reason: Secured Area

Facility 03
Melbourne Beach Tracking Annex
Melbourne Beach Co: Brevard FL 32925–
Landholding Agency: Air Force
Property Number: 189640009
Status: Unutilized
Reason: Secured Area

Bldg. 12734, Eglin AFB
Eglin AFB Co: Okaloosa FL 32542–5133
Landholding Agency: Air Force
Property Number: 189640011
Status: Unutilized
Reason: Secured Area

Bldg. 12708, Eglin AFB
Eglin AFB Co: Okaloosa FL 32542–5133
Landholding Agency: Air Force
Property Number: 189640012
Status: Unutilized
Reason: Secured Area, Extensive deterioration

Bldg. 307
Patrick Air Force Base
Patrick AFB CO: Brevard FL
Landholding Agency: Air Force
Property Number: 189710022
Status: Unutilized
Reason: Secured Area

Bldg. 315
Patrick Air Force Base
Patrick AFB Co: Brevard FL
Landholding Agency: Air Force
Property Number: 189710023
Status: Unutilized
Reason: Secured Area

Bldg. 317
Patrick Air Force Base
Patrick AFB Co: Brevard FL
Landholding Agency: Air Force
Property Number: 189710024
Status: Unutilized
Reason: Secured Area, Extensive deterioration

Bldg. 318
Patrick Air Force Base
Patrick AFB Co: Brevard FL
Landholding Agency: Air Force
Property Number: 189710025
Status: Unutilized
Reason: Secured Area, Extensive deterioration

Bldg. 324
Patrick Air Force Base
Patrick AFB Co: Brevard FL
Landholding Agency: Air Force
Property Number: 189710026
Status: Unutilized
Reason: Secured Area, Extensive deterioration

Facility No. 1114
Cape Canaveral Air Station
Cape Canaveral AS Co: Brevard FL 32925–
Landholding Agency: Air Force
Property Number: 189710027
Status: Unutilized
Reason: Secured Area, Extensive deterioration

Facility No. 1345
Cape Canaveral Air Station
Cape Canaveral AS Co: Brevard FL 32925–
Landholding Agency: Air Force
Property Number: 189710028
Status: Unutilized
Reason: Secured Area

Facility No. 1346
Cape Canaveral Air Station
Cape Canaveral AS Co: Brevard FL 32925–
Landholding Agency: Air Force
Property Number: 189710029
Status: Unutilized
Reason: Secured Area

Facility No. 1348
Cape Canaveral Air Station
Cape Canaveral AS Co: Brevard FL 32925–
Landholding Agency: Air Force
Property Number: 189710030
Status: Unutilized
Reason: Secured Area

Facility No. 7805
Cape Canaveral Air Station
Cape Canaveral AS Co: Brevard FL 32925–
Landholding Agency: Air Force
Property Number: 189710031
Status: Unutilized
Reason: Secured Area

Facility No. 7850
Capte Canaveral Air Station
Capte Canaveral AS Co: Brevard FL 32925–
Landholding Agency: Air Force
Property Number: 189710032
Status: Unutilized
Reason: Secured Area

Facility No. 10831
Cape Canaveral Air Station
Cape Canaveral AS Co: Brevard FL 32925–
Landholding Agency: Air Force
Property Number: 189710033
Status: Unutilized
Reason: Secured Area

Facility No. 15500
Cape Canaveral Air Station
Cape Canaveral AS Co: Brevard FL 32925–
Landholding Agency: Air Force
Property Number: 189710034
Status: Unutilized
Reason: Secured Area, Extensive deterioration

Facility No. 39764
Cape Canaveral Air Station
Cape Canaveral AS Co: Brevard FL 32925–
Landholding Agency: Air Force
Property Number: 189710035
Status: Unutilized
Reason: Secured Area

Facility No. 70580
Cape Canaveral Air Station
Cape Canaveral AS Co: Brevard FL 32925–
Landholding Agency: Air Force
Property Number: 189710036
Status: Unutilized
Reason: Secured Area, Extensive deterioration

Facility No. 70662
Cape Canaveral Air Station
Cape Canaveral AS Co: Brevard FL 32925–
Landholding Agency: Air Force
Property Number: 189710037
Status: Unutilized
Reason: Secured Area, Extensive deterioration

Facility No. 72920
Cape Canaveral Air Station
Cape Canaveral AS Co: Brevard FL 32925–
Landholding Agency: Air Force
Property Number: 189710038
Status: Unutilized
Reason: Secured Area

Bldg. 897, Eglin AFB
Eglin AFB Co: Okaloosa FL 32542–5133
Landholding Agency: Air Force
Property Number: 189710044
Status: Unutilized
Reason: Extensive deterioration

Bldg. 895, Eglin AFB
Eglin AFB Co: Okaloosa FL 32542–5133
Landholding Agency: Air Force
Property Number: 189710045
Status: Unutilized
Reason: Extensive deterioration

Facility No. 90520
Cape Canaveral AS
Cape Canaveral Co: Brevard FL 32925–
Landholding Agency: Air Force
Property Number: 189720038
Status: Underutilized
Reason: Secured Area

Bldg. 312, Patrick AFB Co: Brevard FL 32925–
Landholding Agency: Air Force
Property Number: 189720039
Status: Unutilized

Reason: Secured Area, Extensive deterioration

East Martello Bunker #1
Naval Air Station
Key West Co: Monroe FL 33040–
Landholding Agency: Navy
Property Number: 779010101
Status: Excess
Reason: Within airport runway clear zone

Bldg. #3, Recreation Cottage
USCG Station
Marathon Co: Monroe FL 33050–
Landholding Agency: DOT
Property Number: 879210008
Status: Unutilized
Reason: Secured Area, Floodway

Bldg. 103, Trumbo Point
Key West Co: Monroe FL 33040–
Landholding Agency: DOT
Property Number: 879230001
Status: Unutilized
Reason: Floodway, Secured Area

Exchange Building
St. Petersburg Co: Pinellas FL 33701–
Landholding Agency: DOT
Property Number: 879410004
Status: Unutilized
Reason: Floodway

9988 Keepers Quarters A
Cape San Blas
Port St. Joe Co: Gulf FL
Landholding Agency: DOT
Property Number: 879440009
Status: Underutilized
Reason: Secured Area, Floodway

9989 Keepers Quarters B
Cape San Blas
Port St. Joe Co: Gulf FL
Landholding Agency: DOT
Property Number: 879440010
Status: Underutilized
Reason: Secured Area, Floodway

9990 Bldg.
Cape San Blas
Port St. Joe Co: Gulf FL
Landholding Agency: DOT
Property Number: 879440011
Status: Underutilized
Reason: Secured Area, Floodway

9991 Plant Bldg.
Cape San Blas
Port St. Joe Co: Gulf FL
Landholding Agency: DOT
Property Number: 879440012
Status: Underutilized
Reason: Secured Area, Floodway

9992 Shop Bldg.
Cape San Blas
Port St. Joe Co: Gulf FL
Landholding Agency: DOT
Property Number: 879440013
Status: Underutilized
Reason: Secured Area, Floodway

9993 Admin. Bldg.
Cape San Blas
Port St. Joe Co: Gulf FL
Landholding Agency: DOT
Property Number: 879440014
Status: Underutilized
Reason: Secured Area, Floodway

9994 Water Pump Bldg.
Cape San Blas
Port St. Joe Co: Gulf FL
Landholding Agency: DOT
Property Number: 879440015
Status: Underutilized
Reason: Secured Area, Floodway

Storage Bldg.
Cape San Blas
Port St. Joe Co: Gulf FL
Landholding Agency: DOT
Property Number: 879440016
Status: Underutilized
Reason: Secured Area, Floodway

9999 Storage Bldg.
Cape San Blas
Port St. Joe Co: Gulf FL
Landholding Agency: DOT
Property Number: 879440017
Status: Underutilized
Reason: Secured Area, Floodway

3 Bldgs, and Land
Peanut Island Station
Riveria Beach Co: Palm Beach FL 33419–0909
Landholding Agency: DOT
Property Number: 879510009
Status: Unutilized
Reason: Secured Area, Floodway

Cape St. George Lighthouse Co: Franklin FL 32328–
Landholding Agency: DOT
Property Number: 879640002
Status: Unutilized
Reason: Extensive deterioration

Georgia

Naval Submarine Base-Kings Bay
1011 USS Daniel Boone Avenue
Kings Bay Co: Camden GA 31547–
Landholding Agency: Navy
Property Number: 779010107
Status: Unutilized
Reason: Secured Area

Coast Guard Station
St. Simons Island Co: Glynn CA 31522–0577
Landholding Agency: DOT
Property Number: 879540002
Status: Unutilized
Reason: Extensive deterioration

Guam

Bldg. 259
U.S. Naval Forces, Marianas
NAVACTS Co: Waterfront Anne GU 96540–1000
Landholding Agency: Navy
Property Number: 779720112
Status: Unutilized
Reason: Secured Area, Extensive deterioration

Bldg. 522
U.S. Naval Forces, Marianas
NAVACTS Co: Waterfront Anne GU 96540–1000
Landholding Agency: Navy
Property Number: 779720113
Status: Unutilized
Reason: Within 2000 ft. of flammable or explosive material, Extensive deterioration

Bldg. 548
U.S. Naval Forces, Marianas
NAVACTS Co: Waterfront Anne GU 96540–1000
Landholding Agency: Navy
Property Number: 779720114
Status: Unutilized
Reason: Within 2000 ft. of flammable or explosive material, Secured Area, Extensive deterioration

Bldg. 722
U.S. Naval Forces, Marianas
NAVACTS Co: Waterfront Anne GU 96540–1000
Landholding Agency: Navy
Property Number: 779720115
Status: Unutilized
Reason: Within 2000 ft. of flammable or explosive material, Secured Area, Extensive deterioration

Bldgs. 794, 795
U.S. Naval Forces, Marianas
NAVACTS Co: Waterfront Anne GU 96540–1000
Landholding Agency: Navy
Property Number: 779720116
Status: Unutilized
Reason: Secured Area

Bldg. 835
U.S. Naval Forces, Marianas
NAVACTS Co: Waterfront Anne GU 96540–1000
Landholding Agency: Navy
Property Number: 779720117
Status: Unutilized
Reason: Within 2000 ft. of flammable or explosive material, Secured Area, Extensive deterioration

Bldg. K24
U.S. Naval Forces, Marianas
NAVACTS Co: Waterfront Anne GU 96540–1000
Landholding Agency: Navy
Property Number: 779720118
Status: Unutilized
Reason: Within 2000 ft. of flammable or explosive material, Secured Area, Extensive deterioration

Bldg. K25
U.S. Naval Forces, Marianas
NAVACTS Co: Waterfront Anne GU 96540–1000
Landholding Agency: Navy
Property Number: 779720119
Status: Unutilized
Reason: Within 2000 ft. of flammable or explosive material, Secured Area, Extensive deterioration

Bldg. K26
U.S. Naval Forces, Marianas
NAVACTS Co: Waterfront Anne GU 96540–0100
Landholding Agency: Navy
Property Number 779720120
Status: Unutilized
Reason: Within 2000 ft. of flammable or explosive material, Secured Area, Extensive deterioration

Bldg. Orote K-Span
U.S. Naval Forces, Marianas
NAVACTS Co: Waterfront Anne GU 96540–0100
Landholding Agency: Navy
Property Number 779720121
Status: Unutilized
Reason: Within 2000 ft. of flammable or explosive material, Secured Area, Extensive deterioration

Hawaii

Bldg. 126, Naval Magazine
Waikele Branch
Lualualei Co: Oahu HI 96792–
Landholding Agency: Navy
Property Number: 779230012

Status: Unutilized
Reason: Secured Area, Within 2000 ft. of flammable or explosive material, Other
Comment: Extensive Deterioration

Bldg. Q75, Naval Magazine
Lualualei Branch
Lualualei Co: Oahu HI 96792–
Landholding Agency: Navy
Property Number: 779230013
Status: Unutilized
Reason: Secured Area, Other
Comment: Extensive Deterioration

Bldg. 7, Naval Magazine
Lualualei Branch
Lualualei Co: Oahu HI 96792–
Landholding Agency: Navy
Property Number: 779230014
Status: Unutilized
Reason: Secured Area, Other
Comment: Extensive Deterioration

Facility 5985
Naval Station Pearl Harbor
Honolulu Co: Honolulu HI 96860–
Landholding Agency: Navy
Property Number: 779310086
Status: Excess
Reason: Extensive deterioration

Bldg. 6, Pearl Harbor
Richardson Recreational Area
Honolulu Co: Honolulu HI 96860–
Landholding Agency: Navy
Property Number: 779410003
Status: Unutilized
Reason: Extensive deterioration

Bldg. 10, Pearl Harbor
Richardson Recreational Area
Honolulu Co: Honolulu HI 96860–
Landholding Agency: Navy
Property Number: 779410004
Status: Unutilized
Reason: Extensive deterioration

Bldg. 9
Navy Public Works Center
Kolekole Road
Lualualei Co: Honolulu Hi 96782–
Landholding Agency: Navy
Property Number: 779530009
Status: Excess
Reason: Secured Area, Within 2000 ft. of flammable or explosive material

Bldg. X5
Nanumea Road
Pearl Harbor Co: Honolulu HI 96782–
Landholding Agency: Navy
Property Number: 779530010
Status: Excess
Reason: Secured Area

Bldg. SX30
Nanumea Road
Pearl Harbor Co: Honolulu HI 96860–
Landholding Agency: Navy
Property Number 779530011
Status: Excess
Reason: Secured Area

Bldg. 98
Pearl Harbor Naval Shipyard
Pearl Harbor Co: Honolulu HI 96860–
Landholding Agency: Navy
Property Number 779620032
Status: Excess
Reason: Extensive deterioration

Bldg. 309, Naval Station
Pearl Harbor Co: Honolulu HI 96860–
Landholding Agency: Navy
Property Number 779630026
Status: Excess
Reason: Extensive deterioration

Bldg. 314, Naval Station
Ford Island
Pearl Harbor Co: Honolulu HI 96860–
Landholding Agency: Navy
Property Number 779630027
Status: Excess
Reason: Extensive deterioration

Bldg. 307, Naval Station
Ford Island
Pearl Harbor Co: Honolulu HI 96860–
Landholding Agency: Navy
Property Number: 779630028
Status: Unutilized
Reason: Extensive deterioration

Bldg. 315, Naval Station
Ford Island
Pearl Harbor Co: Honolulu HI 96860–
Landholding Agency: Navy
Property Number: 779630029
Status: Unutilized
Reason: Extensive deterioration

Bldg. 441, Naval Station
Ford Island
Pearl Harbor Co: Honolulu HI 96860–
Landholding Agency: Navy
Property Number: 779630030
Status: Unutilized
Reason: Extensive deterioration

Bldg. 190
Naval Station, Ford Island
Pearl Harbor Co: Honolulu HI 96860–
Landholding Agency: Navy
Property Number: 779640031
Status: Unutilized
Reason: Extensive deterioration

Bldg. 310
Naval Station, Ford Island
Pearl Harbor Co: Honolulu HI 96860–
Landholding Agency: Navy
Property Number: 779640032
Status: Unutilized
Reason: Extensive deterioration

Bldg. S294
Naval Station, Ford Island
Pearl Harbor Co: Honolulu HI 96860–
Landholding Agency: Navy
Property Number: 779640033
Status: Unutilized
Reason: Extensive deterioration

Bldg. 593
Naval Station, Halawa Landing Area
Pearl Harbor Co: Honolulu HI 96860–
Landholding Agency: Navy
Property Number: 779640034
Status: Unutilized
Reason: Extensive deterioration

Bldg. Q13
Naval Station, Ford Island
Pearl Harbor Co: Honolulu HI 96860–
Landholding Agency: Navy
Property Number: 779640035
Status: Unutilized
Reason: Extensive deterioration

Bldg. Q14
Naval Station, Ford Island
Pearl Harbor Co: Honolulu HI 96860–
Landholding Agency: Navy
Property Number: 779640036
Status: Unutilized
Reason: Extensive deterioration

Bldg. 591
Naval Station, Halawa Landing Area
Pearl Harbor Co: Honolulu HI 96860–
Landholding Agency: Navy
Property Number: 779640037
Status: Unutilized
Reason: Extensive deterioration

Bldg. 592
Naval Station, Halawa Landing Area
Pearl Harbor Co: Honolulu HI 96860–
Landholding Agency: Navy
Property Number: 779640038
Status: Unutilized
Reason: Extensive deterioration

Bldg. T–11
Pearl Harbor Naval Shipyard
Pearl Harbor Co: Honolulu HI 96860–
Landholding Agency: Navy
Property Number: 779720085
Status: Excess
Reason: Extensive deterioration

Bldg. 71
Pearl Harbor Naval Shipyard
Pearl Harbor Co: Honolulu HI 96860–
Landholding Agency: Navy
Property Number: 779720086
Status: Excess
Reason: Extensive deterioration

Bldg. 174
Pearl Harbor Naval Shipyard
Pearl Harbor Co: Honolulu HI 96860–
Landholding Agency: Navy
Property Number: 779720087
Status: Excess
Reason: Extensive deterioration

Bldg. 823
Pearl Harbor Naval Shipyard
Pearl Harbor Co: Honolulu HI 96860–
Landholding Agency: Navy
Property Number: 779720088
Status: Excess
Reason: Extensive deterioration

Bldg. 1361
Pearl Harbor Naval Shipyard
Pearl Harbor Co: Honolulu HI 96860–
Landholding Agency: Navy
Property Number: 779720089
Status: Excess
Reason: Extensive deterioration

Idaho

Bldg. 1012
Mountain Home Air Force Base
7th Avenue (See County) Co: Elmore ID 83648–
Landholding Agency: Air Force
Property Number: 189030004
Status: Excess
Reason: Within 2000 ft. of flammable or explosive material

Bldg. 923
Mountain Home Air Force Base
7th Avenue (See County) Co: Elmore ID 83648–
Landholding Agency: Air Force
Property Number: 189030005
Status: Excess
Reason: Within 2000 ft. of flammable or explosive material

Bldg. 604
Mountain Home Air Force Base
Pine Street (See County) Co: Elmore ID 83648–
Landholding Agency: Air Force
Property Number: 189030006
Status: Excess

Reason: Within 2000 ft. of flammable or explosive material
Bldg. 229
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
Bldg. 4403
Mountain Home Air Force Base
Mountain Home Co: Elmore ID 83647–
Landholding Agency: Air Force
Property Number: 189520008
Status: Unutilized
Reason: Extensive deterioration
Bldg. PBF–621
Idaho National Engineering Laboratory
Scoville Co: Butte ID 83415–
Landholding Agency: Energy
Property Number: 419610001
Status: Unutilized
Reason: Secured Area
Bldg. CPP–1609
Idaho National Engineering Laboratory
Scoville Co: Butte ID 83415–
Landholding Agency: Energy
Property Number: 419610002
Status: Unutilized
Reason: Secured Area
Bldg. CPP–691
Idaho National Engineering Laboratory
Scoville Co: Butte ID 83415–
Landholding Agency: Energy
Property Number: 419610003
Status: Unutilized
Reason: Secured Area
Bldg. CPP–625
Idaho National Engineering Laboratory
Scoville Co: Butte ID 83415–
Landholding Agency: Energy
Property Number: 419610004
Status: Unutilized
Reason: Secured Area
Bldg. CPP–650
Idaho National Engineering Laboratory
Scoville Co: Butte ID 83415–
Landholding Agency: Energy
Property Number: 419610005
Status: Unutilized
Reason: Secured Area
Bldg. CPP–608
Idaho National Engineering Laboratory
Scoville Co: Butte ID 83415–
Landholding Agency: Energy
Property Number: 419610006
Status: Unutilized
Reason: Secured Area
Bldg. TAN–660
Idaho National Engineering Laboratory
Scoville Co: Butte ID 83415–
Landholding Agency: Energy
Property Number: 419610007
Status: Unutilized
Reason: Secured Area
Bldg. TAN–636
Idaho National Engineering Laboratory
Scoville Co: Butte ID 83415–
Landholding Agency: Energy
Property Number: 419610008
Status: Unutilized
Reason: Secured Area
Bldg. TAN–609
Idaho National Engineering Laboratory
Scoville Co: Butte ID 83415–
Landholding Agency: Energy
Property Number: 419610009
Status: Unutilized
Reason: Secured Area
Bldg. TAN–670
Idaho National Engineering Laboratory
Scoville Co: Butte ID 83415–
Landholding Agency: Energy
Property Number: 419610010
Status: Unutilized
Reason: Secured Area
Bldg. TAN–661
Idaho National Engineering Laboratory
Scoville Co: Butte ID 83415–
Landholding Agency: Energy
Property Number: 419610011
Status: Unutilized
Reason: Secured Area
Bldg. TAN–657
Idaho National Engineering Laboratory
Scoville Co: Butte ID 83415–
Landholding Agency: Energy
Property Number: 419610012
Status: Unutilized
Reason: Secured Area
Bldg. TRA–669
Idaho National Engineering Laboratory
Scoville Co: Butte ID 83415–
Landholding Agency: Energy
Property Number: 419610013
Status: Unutilized
Reason: Secured Area
Bldg. TAN–637
Idaho National Engineering Laboratory
Scoville Co: Butte ID 83415–
Landholding Agency: Energy
Property Number: 419610014
Status: Unutilized
Reason: Secured Area
Bldg. TAN–635
Idaho National Engineering Laboratory
Scoville Co: Butte ID 83415–
Landholding Agency: Energy
Property Number: 419610015
Status: Unutilized
Reason: Secured Area
Bldg. TAN–638
Idaho National Engineering Laboratory
Scoville Co: Butte ID 83415–
Landholding Agency: Energy
Property Number: 419610016
Status: Unutilized
Reason: Secured Area
Bldg. TAN–651
Idaho National Engineering Laboratory
Scoville Co: Butte ID 83415–
Landholding Agency: Energy
Property Number: 419610017
Status: Unutilized
Reason: Secured Area
Bldg. TRA–673
Idaho National Engineering Laboratory
Scoville Co: Butte ID 83415–
Landholding Agency: Energy
Property Number: 419610018
Status: Unutilized
Reason: Secured Area
Bldg. PBF–620
Idaho National Engineering Laboratory
Scoville Co: Butte ID 83415–
Landholding Agency: Energy
Property Number: 419610019
Status: Unutilized
Reason: Secured Area
Bldg. PBF–616
Idaho National Engineering Laboratory
Scoville Co: Butte ID 83415–
Landholding Agency: Energy
Property Number: 419610020
Status: Unutilized
Reason: Secured Area
Bldg. PBF–617
Idaho National Engineering Laboratory
Scoville Co: Butte ID 83415–
Landholding Agency: Energy
Property Number: 419610021
Status: Unutilized
Reason: Secured Area
Bldg. PBF–619
Idaho National Engineering Laboratory
Scoville Co: Butte ID 83415–
Landholding Agency: Energy
Property Number: 419610022
Status: Unutilized
Reason: Secured Area
Bldg. PBF–624
Idaho National Engineering Laboratory
Scoville Co: Butte ID 83415–
Landholding Agency: Energy
Property Number: 419610023
Status: Unutilized
Reason: Secured Area
Bldg. PBF–625
Idaho National Engineering Laboratory
Scoville Co: Butte ID 83415–
Landholding Agency: Energy
Property Number: 419610024
Status: Unutilized
Reason: Secured Area
Bldg. PBF–629
Idaho National Engineering Laboratory
Scoville Co: Butte ID 83415–
Landholding Agency: Energy
Property Number: 419610025
Status: Unutilized
Reason: Secured Area
Bldg. PBF–604
Idaho National Engineering Laboratory
Scoville Co: Butte ID 83415–
Landholding Agency: Energy
Property Number: 419610026
Status: Unutilized
Reason: Secured Area
Bldg. CF–673
Idaho National Engineering Laboratory
Scoville Co: Butte ID 83415–
Landholding Agency: Energy
Property Number: 419610027
Status: Unutilized
Reason: Secured Area
Bldg. CF–672
Idaho National Engineering Laboratory
Scoville Co: Butte ID 83415–
Landholding Agency: Energy
Property Number: 419610028
Status: Unutilized
Reason: Secured Area
Bldg. CF–664
Idaho National Engineering Laboratory
Scoville Co: Butte ID 83415–
Landholding Agency: Energy
Property Number: 419610029
Status: Unutilized
Reason: Secured Area

Bldg. CF–643
Idaho National Engineering Laboratory
Scoville Co: Butte ID 83415–
Landholding Agency: Energy
Property Number: 419610030
Status: Unutilized
Reason: Secured Area

Bldg. CF–649
Idaho National Engineering Laboratory
Scoville Co: Butte ID 83415–
Landholding Agency: Energy
Property Number: 419610031
Status: Unutilized
Reason: Secured Area

Bldg. CF–652
Idaho National Engineering Laboratory
Scoville Co: Butte ID 83415–
Landholding Agency: Energy
Property Number: 419610032
Status: Unutilized
Reason: Secured Area

Bldg. CF–656
Idaho National Engineering Laboratory
Scoville Co: Butte ID 83415–
Landholding Agency: Energy
Property Number: 419610033
Status: Unutilized
Reason: Secured Area

Bldg. TRA–641
Idaho National Engineering Laboratory
Scoville Co: Butte ID 83415–
Landholding Agency: Energy
Property Number: 419610034
Status: Unutilized
Reason: Secured Area

Bldg. CF–665
Idaho National Engineering Laboratory
Scoville Co: Butte ID 83415–
Landholding Agency: Energy
Property Number: 419610035
Status: Unutilized
Reason: Secured Area

Bldg. CF–691
Idaho National Engineering Laboratory
Scoville Co: Butte ID 83415–
Landholding Agency: Energy
Property Number: 419610036
Status: Unutilized
Reason: Secured Area

Bldg. CF–606
Idaho National Engineering Laboratory
Scoville Co: Butte ID 83415–
Landholding Agency: Energy
Property Number: 419610037
Status: Unutilized
Reason: Secured Area

ARA 626
Idaho National Engineering Laboratory
Scoville Co: Butte ID 83415–
Landholding Agency: Energy
Property Number: 419710003
Status: Excess
Reason: Secured Area

Bldg. CF645
Idaho National Engineering Laboratory
Scoville Co: Butte ID 83415–
Landholding Agency: Energy
Property Number: 419710004
Status: Excess
Reason: Secured Area

CF657/CF716
Idaho National Engineering Lab
Scoville Co: Butte ID 83415–
Landholding Agency: Energy
Property Number: 419710005
Status: Excess
Reason: Secured Area

CPP631
Idaho National Engineering Lab
Scoville Co: Butte ID 83415–
Landholding Agency: Energy
Property Number: 419710006
Status: Excess
Reason: Secured Area

CPP709
Idaho National Engineering Lab
Scoville Co: Butte ID 83415–
Landholding Agency: Energy
Property Number: 419710007
Status: Excess
Reason: Secured Area

CPP734
Idaho National Engineering Lab
Scoville Co: Butte ID 83415–
Landholding Agency: Energy
Property Number: 419710008
Status: Excess
Reason: Secured Area

TAN620/TAN656
Idaho National Engineering Lab
Scoville Co: Butte ID 83415–
Landholding Agency: Energy
Property Number: 419710009
Status: Excess
Reason: Secured Area, Extensive deterioration

TRA–645
Idaho National Engineering Lab
Scoville Co: Butte ID 83415–
Landholding Agency: Energy
Property Number: 419710010
Status: Excess
Reason: Secured Area

Illinois

Bldg. 928
Naval Training Center
Great Lakes
Great Lakes Co: Lake IL 60088–
Landholding Agency: Navy
Property Number: 779010120
Status: Underutilized
Reason: Secured Area

Bldg. 28
Naval Training Center
Great Lakes
Great Lakes Co: Lake IL 60088–
Landholding Agency: Navy
Property Number: 779010123
Status: Unutilized
Reason: Secured Area

Bldg. 25
Naval Training Center
Great Lakes
Great Lakes Co: Lake IL 60088–
Landholding Agency: Navy
Property Number: 779010126
Status: Unutilized
Reason: Secured Area

South Wing—Building No. 62
Great Lakes Co: Lake IL 60088–5000
Landholding Agency: Navy
Property Number: 779110001
Status: Underutilized
Reason: Secured Area

Bldg. 235
Naval Training Center
Great Lakes Co: Lake IL
Landholding Agency: Navy
Property Number: 779310039
Status: Unutilized
Reason: Secured Area

Bldg. 2B
Naval Training Center
Great Lakes Co: Lake IL
Landholding Agency: Navy
Property Number: 779310040
Status: Unutilized
Reason: Secured Area

Bldg. 90
Naval Training Center
Great Lakes Co: Lake IL
Landholding Agency: Navy
Property Number: 779310041
Status: Unutilized
Reason: Secured Area

Bldg. 232
Naval Training Center
Great Lakes Co: Lake IL
Landholding Agency: Navy
Property Number: 779310042
Status: Unutilized
Reason: Secured Area

Bldg. 233
Naval Training Center
Great Lakes Co: Lake IL
Landholding Agency: Navy
Property Number: 779310043
Status: Unutilized
Reason: Secured Area

Bldg. 234
Naval Training Center
Great Lakes Co: Lake IL
Landholding Agency: Navy
Property Number: 779310044
Status: Unutilized
Reason: Secured Area

Calument Harbor Station
U.S. Coast Guard
Chicago Co: Cook IL
Landholding Agency: DOT
Property Number: 879310005
Status: Excess
Reason: Secured Area

Indiana

Bldg. 21, VA Medical Center
East 38th Street
Marion Co: Grant IN 46952–
Landholding Agency: VA
Property Number: 979230001
Status: Unutilized
Reason: Extensive deterioration

Bldg. 22, VA Medical Center
East 38th Street
Marion Co: Grant IN 46952–
Landholding Agency: VA
Property Number: 979230002
Status: Underutilized
Reason: Extensive deterioration

Bldg. 62, VA Medical Center
East 38th Street
Marion Co: Grant In 46952–
Landholding Agency: VA
Property Number: 979230003
Status: Underutilized
Reason: Extensive deterioration

Iowa

Bldg. 00671
Sioux Gateway Airport
Sioux Co: Woodbury IA 51110–
Landholding Agency: Air Force

Property Number: 189310009
Status: Underutilized
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

Kentucky

Barn Structure
Hardingsburg Dr.
Owensboro Co: Daviess KY 42303–
Landholding Agency: DOT
Property Number: 879710001
Status: Unutilized
Reason: Floodway, Secured Area, Extensive deterioration

Louisiana

Bldg. 3477
Barksdale Air Force Base
Davis Avenue
Barksdale AFB Co: Bossier LA 71110–5000
Landholding Agency: Air Force
Property Number: 189140015
Status: Unutilized
Reason: Secured Area

Weeks Island Facility
New Iberia Co: Iberia Parish LA 70560–
Landholding Agency: Energy
Property Number: 419610038
Status: Underutilized
Reason: Secured Area

Maine

Bldg. 293, Naval Air Station
Brunswick Co: Cumberland ME 04011–
Landholding Agency: Navy
Property Number: 779240015
Status: Excess
Reason: Secured Area

Bldg. 384
Naval Air Station Topsham
Brunswick Co: Sagadahoc ME
Landholding Agency: Navy
Property Number: 779340001
Status: Unutilized
Reason: Extensive deterioration

Supply Bldg., Coast Guard
Southwest Harbor
Southwest Harbor Co: Hancock ME 04679–5000
Landholding Agency: DOT
Property Number: 87940005
Status: Unutilized
Reason: : Floodway

Base Exchange, Coast Guard
Southwest Harbor
Southwest Harbor Co: Hancock ME 04679–5000
Landholding Agency: DOT
Property Number: 879240006
Status: Unutilized
Reason: Floodway

Engineering Shop, Coast Guard
Southwest Harbor
Southwest Harbor Co: Hancock ME 04679–5000
Landholding Agency: DOT
Property Number: 879240007
Status: Unutilized
Reason: Floodway

Storage Bldg., Coast Guard
Southwest Harbor
Southwest Harbor Co: Hancock ME 04679–5000
Landholding Agency: DOT
Property Number: 879240008
Status: Unutilized
Reason: Floodway

Squirrel Point Light
U.S. Coast Guard
Phippsburg Co: Sayadahoc ME 04530–
Landholding Agency: DOT
Property Number: 879240032
Status: Unutilized
Reason: Floodway

Keepers Dwelling
Heron Neck Light, U.S. Coast Guard
Vinalhaven Co: Knox ME 04841–
Landholding Agency: DOT
Property Number: 879240035
Status: Unutilized
Reason: Extensive deterioration

Fort Popham Light
Phippsburg Co: Sagadahoc ME 04562–
Landholding Agency: DOT
Property Number: 879320024
Status: Unutilized
Reason: Extensive deterioration

Nash Island Light
U.S. Coast Guard
Addison Co: Washington ME 04606–
Landholding Agency: DOT
Property Number: 879420005
Status: Unutilized
Reason: Other
Comment: Inaccessible

Bldg.—South Portland Base
U.S. Coast Guard
S. Portland Co: Cumberland ME 04106–
Landholding Agency: DOT
Property Number: 879420006
Status: Unutilized
Reason: Secured Area

Garage—Boothbay Harbor Stat.
Boothbay Harbor Co: Lincoln ME 04538–
Landholding Agency: DOT
Property Number: 879430001
Status: Unutilized
Reason: Secured Area

Maryland

15 Bldgs.
Naval Air Warfare Center
Patuxent River Co: St. Mary's MD 20670–5304
Landholding Agency: Navy
Property Number: 779730062
Status: Unutilized
Reason: Extensive deterioration

Bldgs. 38–39, 41, 43–46, 56
U.S. Coast Guard Yard
Baltimore MD 21226–
Landholding Agency: DOT
Property Number: 879540005
Status: Unutilized
Reason: Within 2000 ft. of flammable or explosive material, Secured Area, Extensive deterioration

Bldgs. 53
U.S. Coast Guard Yard
Baltimore MD 21226–
Landholding Agency: DOT
Property Number: 879540006
Status: Unutilized
Reason: Within 2000 ft. of flammable or explosive material, Secured Area, Extensive deterioration

Bldgs. 6
U.S. Coast Guard Yard, 2401 Hawkins Point Rd.
Baltimore MD 21226–1797
Landholding Agency: DOT
Property Number: 879620001
Status: Excess
Reason: Within 2000 ft. of flammable or explosive material, Secured Area

Bldgs. 59
U.S. Coast Guard Yard, 2401 Hawkins Point Rd.
Baltimore MD 21226–1797
Landholding Agency: DOT
Property Number: 879620002
Status: Excess
Reason: Within 2000 ft. of flammable or explosive material, Secured Area

Massachusetts

Bldg. 4, USCG Support Center
Commercial Street
Boston Co: Suffolk MA 02203–
Landholding Agency: DOT
Property Number: 879240001
Status: Underutilized
Reason: Secured Area

Eastern Point Light
U.S. Coast Guard
Gloucester Co: Essex MA 01930–
Landholding Agency: DOT
Property Number: 879240029
Status: Unutilized
Reason: Floodway, Secured Area

Storage Shed
Highland Light
N. Truro Co: Barnstable MA 02652–
DeSoto Johnson KS66018–
Landholding Agency: DOT
Property Number: 879430004
Status: Unutilized
Reason: Extensive deterioration

Michigan

Bldg. 1005
Selfridge Air National Guard Base
1005 C. Street
Selfridge Co: Macomb MI 48045–
Landholding Agency: Air Force
Property Number: 189010526
Status: Unutilized
Reason: Secured Area

Bldg. 1012
Selfridge Air National Guard Base
1012 A. Street
Selfridge Co: Macomb MI 48045–
Landholding Agency: Air Force
Property Number: 189010527
Status: Unutilized
Reason: Secured Area

Bldg. 1041
Selfridge Air National Guard Base
1012 A. Street
Selfridge Co: Macomb MI 48045–
Landholding Agency: Air Force
Property Number: 189010528
Status: Unutilized
Reason: Secured Area

Bldg. 1412
Selfridge Air National Guard Base
1412 Castle Avenue
Selfridge Co: Macomb MI 48045–

Landholding Agency: Air Force
Property Number: 189010529
Status: Unutilized
Reason: Secured Area

Bldg. 1434
Selfridge Air National Guard Base
1434 Castle Avenue
Selfridge Co: Macomb MI 48045–
Landholding Agency: Air Force
Property Number: 189010530
Status: Unutilized
Reason: Secured Area

Bldg. 1688
Selfridge Air National Guard Base
Selfridge Co: Macomb MI 48045–
Location: Near South Perimeter Road, near Building 1694.
Landholding Agency: Air Force
Property Number: 189010531
Status: Unutilized
Reason: Secured Area

Bldg. 1689
Selfridge Air National Guard Base
Selfridge Co: Macomb MI 48045–
Location: Near South Perimeter Road, near Building 1694.
Landholding Agency: Air Force
Property Number: 189010532
Status: Unutilized
Reason: Secured Area

Bldg. 5670
Selfridge Air National Guard Base
Selfridge Co: Macomb MI 48045–
Landholding Agency: Air Force
Property Number: 189010533
Status: Unutilized
Reason: Secured Area

Bldg. 71
Calumet Air Force Station
Calumet Co: Keweenaw MI 49913–
Landholding Agency: Air Force
Property Number: 189010810
Status: Excess
Reason: Other
Comment: sewage treatment and disposal facility.

Bldg. 99 (WATER WELL)
Calumet Air Force Station
Calumet Co: Keweenaw MI 49913–
Landholding Agency: Air Force
Property Number: 189010831
Status: Excess
Reason: Other
Comment: water well

Bldg. 100 (WATER WELL)
Calumet Air Force Station
Calumet Co: Keweenaw MI 49913–
Landholding Agency: Air Force
Property Number: 189010832
Status: Excess
Reason: Other
Comment: water well

Bldg. 118
Calumet Air Force Station
Calumet Co: Keweenaw MI 49913–
Landholding Agency: Air Force
Property Number: 189010875
Status: Excess
Reason: Other
Comment: Gasoline Station

Bldg. 120
Calumet Air Force Station
Calumet Co: Keweenaw MI 49913–
Landholding Agency: Air Force
Property Number: 189010876
Status: Excess
Reason: Other
Comment: Gasoline Station

Bldg. 166
Calumet Air Force Station
Calumet Co: Keweenaw MI 49913–
Landholding Agency: Air Force
Property Number: 189010877
Status: Excess
Reason: Other
Comment: Pump lift station.

Bldg. 168
Calumet Air Force Station
Calumet Co: Keweenaw MI 49913–
Landholding Agency: Air Force
Property Number: 189010878
Status: Excess
Reason: Other
Comment: Gasoline station.

Bldg. 69
Calumet Air Force Station
Calumet Co: Keweenaw MI 49913–
Landholding Agency: Air Force
Property Number: 189010889
Status: Excess
Reason: Other
Comment: Sewer pump facility.

Bldg. 2
Calumet Air Force Station
Calumet Co: Keweenaw MI 49913–
Landholding Agency: Air Force
Property Number: 189010890
Status: Excess
Reason: Other
Comment: Water pump station

Facility 20
Selfridge AFB
Mt. Clemens Co: Macomb MI 48045–5295
Landholding Agency: Air Force
Property Number: 189630001
Status: Unutilized
Reason: Within 2000 ft. of flammable or explosive material, Secured Area

Facility 21
Selfridge AFB
Mt. Clemens Co: Macomb MI 48045–5295
Landholding Agency: Air Force
Property Number: 189630002
Status: Unutilized
Reason: Within 2000 ft. of flammable or explosive material, Secured Area

Facility 30
Selfridge AFB
Mt. Clemens Co: Macomb MI 48045–5295
Landholding Agency: Air Force
Property Number: 189630003
Status: Unutilized
Reason: Within 2000 ft. of flammable or explosive material, Secured Area

Facility 98
Selfridge AFB
Mt. Clemens Co: Macomb MI 48045–5295
Landholding Agency: Air Force
Property Number: 189630004
Status: Unutilized
Reason: Within 2000 ft. of flammable or explosive material, Secured Area

Facility 103
Selfridge AFB
Mt. Clemens Co: Macomb MI 48045–5295
Landholding Agency: Air Force
Property Number: 189630005
Status: Unutilized
Reason: Within 2000 ft. of flammable or explosive material, Secured Area

Facility 116
Selfridge AFB
Mt. Clemens Co: Macomb MI 48045–5295
Landholding Agency: Air Force
Property Number: 189630006
Status: Unutilized
Reason: Within 2000 ft. of flammable or explosive material, Secured Area

Facility 129
Selfridge AFB
Mt. Clemens Co: Macomb MI 48045–5295
Landholding Agency: Air Force
Property Number: 189630007
Status: Unutilized
Reason: Within 2000 ft. of flammable or explosive material, Secured Area

Facility 152
Selfridge AFB
Mt. Clemens Co: Macomb MI 48045–5295
Landholding Agency: Air Force
Property Number: 189630008
Status: Unutilized
Reason: Within 2000 ft. of flammable or explosive material, Secured Area

Facility 156
Selfridge AFB
Mt. Clemens Co: Macomb MI 48045–5295
Landholding Agency: Air Force
Property Number: 189630009
Status: Unutilized
Reason: Within 2000 ft. of flammable or explosive material, Secured Area

Facility 181
Selfridge AFB
Mt. Clemens Co: Macomb MI 48045–5295
Landholding Agency: Air Force
Property Number: 189630010
Status: Unutilized
Reason: Within 2000 ft. of flammable or explosive material, Secured Area

Facility 509
Selfridge AFB
Mt. Clemens Co: Macomb MI 48045–5295
Landholding Agency: Air Force
Property Number: 189630011
Status: Unutilized
Reason: Within 2000 ft. of flammable or explosive material, Secured Area

Facility 562
Selfridge AFB
Mt. Clemens Co: Macomb MI 48045–5295
Landholding Agency: Air Force
Property Number: 189630012
Status: Unutilized
Reason: Within 2000 ft. of flammable or explosive material, Secured Area

Facility 573
Selfridge AFB
Mt. Clemens Co: Macomb MI 48045–5295
Landholding Agency: Air Force
Property Number: 189630013
Status: Unutilized
Reason: Secured Area

Facility 801
Selfridge AFB
Mt. Clemens Co: Macomb MI 48045–5295
Landholding Agency: Air Force
Property Number: 189630014
Status: Unutilized
Reason: Within 2000 ft. of flammable or explosive material, Secured Area

Facility 827

Selfridge AFB
Mt. Clemens Co: Macomb MI 48045–5295
Landholding Agency: Air Force
Property Number: 189630015
Status: Unutilized
Reason: Within 2000 ft. of flammable or explosive material, Secured Area

Facility 832
Selfridge AFB
Mt. Clemens Co: Macomb MI 48045–5295
Landholding Agency: Air Force
Property Number: 189630016
Status: Unutilized
Reason: Within 2000 ft. of flammable or explosive material, Secured Area

Facility 833
Selfridge AFB
Mt. Clemens Co: Macomb MI 48045–5295
Landholding Agency: Air Force
Property Number: 189630017
Status: Unutilized
Reason: Within 2000 ft. of flammable or explosive material, Secured Area

Facility 1005
Selfridge AFB
Mt. Clemens Co: Macomb MI 48045–5295
Landholding Agency: Air Force
Property Number: 189630018
Status: Unutilized
Reason: Secured Area

Facility 1012
Selfridge AFB
Mt. Clemens Co: Macomb MI 48045–5295
Landholding Agency: Air Force
Property Number: 189630019
Status: Unutilized
Reason: Secured Area

Facility 1017
Selfridge AFB
Mt. Clemens Co: Macomb MI 48045–5295
Landholding Agency: Air Force
Property Number: 189630020
Status: Unutilized
Reason: Secured Area

Facility 1025
Selfridge AFB
Mt. Clemens Co: Macomb MI 48045–5295
Landholding Agency: Air Force
Property Number: 189630021
Status: Unutilized
Reason: Secured Area

Facility 1031
Selfridge AFB
Mt. Clemens Co: Macomb MI 48045–5295
Landholding Agency: Air Force
Property Number: 189630022
Status: Unutilized
Reason: Secured Area

Facility 1041
Selfridge AFB
Mt. Clemens Co: Macomb MI 48045–5295
Landholding Agency: Air Force
Property Number: 189630023
Status: Unutilized
Reason: Within 2000 ft. of flammable or explosive material, Secured Area

Facility 1445
Selfridge AFB
Mt. Clemens Co: Macomb MI 48045–5295
Landholding Agency: Air Force
Property Number: 189630024
Status: Unutilized
Reason: Within 2000 ft. of flammable or explosive material, Secured Area

Facility 1514
Selfridge AFB
Mt. Clemens Co: Macomb MI 48045–5295
Landholding Agency: Air Force
Property Number: 189630025
Status: Unutilized
Reason: Secured Area

Facility 1575
Selfridge AFB
Mt. Clemens Co: Macomb MI 48045–5295
Landholding Agency: Air Force
Property Number: 189630026
Status: Unutilized
Reason: Within 2000 ft. of flammable or explosive material, Secured Area

Facility 1576
Selfridge AFB
Mt. Clemens Co: Macomb MI 48045–5295
Landholding Agency: Air Force
Property Number: 189630027
Status: Unutilized
Reason: Within 2000 ft. of flammable or explosive material, Secured Area

Facility 1578
Selfridge AFB
Mt. Clemens Co: Macomb MI 48045–5295
Landholding Agency: Air Force
Property Number: 189630028
Status: Unutilized
Reason: Within 2000 ft. of flammable or explosive material, Secured Area

Facility 1580
Selfridge AFB
Mt. Clemens Co: Macomb MI 48045–5295
Landholding Agency: Air Force
Property Number: 189630029
Status: Unutilized
Reason: Within 2000 ft. of flammable or explosive material, Secured Area

Facility 1582
Selfridge AFB
Mt. Clemens Co: Macomb MI 48045–5295
Landholding Agency: Air Force
Property Number: 189630030
Status: Unutilized
Reason: Within 2000 ft. of flammable or explosive material, Secured Area

Facility 1583
Selfridge AFB
Mt. Clemens Co: Macomb MI 48045–5295
Landholding Agency: Air Force
Property Number: 189630031
Status: Unutilized
Reason: Within 2000 ft. of flammable or explosive material, Secured Area

Facility 1584
Selfridge AFB
Mt. Clemens Co: Macomb MI 48045–5295
Landholding Agency: Air Force
Property Number: 189630032
Status: Unutilized
Reason: Within 2000 ft. of flammable or explosive material, Secured Area

Facility 1585
Selfridge AFB
Mt. Clemens Co: Macomb MI 48045–5295
Landholding Agency: Air Force
Property Number: 189630033
Status: Unutilized
Reason: Secured Area

Facilities 246, 248, 252–254
Selfridge Air National Guard
Mt. Clemens Co: Macomb MI 48045–5295
Landholding Agency: Air Force
Property Number: 189710039
Status: Unutilized
Reason: Within 2000 ft. of flammable or explosive material, Secured Area

7 Facilities
Selfridge Air National Guard
#240, 242, 244, 245, 247, 250, 251
Mt. Clemens Co: Macomb MI 48045–5295
Landholding Agency: Air Force
Property Number: 189710040
Status: Unutilized
Reason: Within 2000 ft. of flammable or explosive material, Secured Area

Facilities 237, 238
Selfridge Air National Guard
Mt. Clemens Co: Macomb MI 48045–5295
Landholding Agency: Air Force
Property Number: 189710041
Status: Unutilized
Reason: Within 2000 ft. of flammable or explosive material, Secured Area

5 Facilities
Selfridge Air National Guard
#228, 230, 232, 234, 236
Mt. Clemens Co: Macomb MI 48045–5295
Landholding Agency: Air Force
Property Number: 189710042
Status: Unutilized
Reason: Within 2000 ft. of flammable or explosive material, Secured Area

Facility 114
Selfridge Air National Guard
Mt. Clemens Co: Macomb MI 48045–5295
Landholding Agency: Air Force
Property Number: 189710043
Status: Unutilized
Reason: Within 2000 ft. of flammable or explosive material, Secured Area

Parcel 14, Boat House
East Tawas Co: Iosco MI
Landholding Agency: GSA
Property Number: 549730014
Status: Excess
Reason: Extensive deterioration
GSA Number: 1–U–MI–500

Round Island Passage Light
Lake Huron
Lake Huron Co: Mackinac MI
Landholding Agency: GSA
Property Number: 549730019
Status: Excess
Reason: Other
Comment: Inaccessible
GSA Number: 1–U–MI–444B

St. Clair Flats Station
Harsens Island Co: St. Clair MI 48028–
Landholding Agency: GSA
Property Number: 549730020
Status: Excess
Reason: Floodway, Other
Comment: Inaccessible
GSA Number: 1–U–MI–762

Bldg. 402, U.S. Air Station
Traverse City Co: Grand Traverse MI 49684–3586
Landholding Agency: DOT
Property Number: 879220001
Status: Unutilized
Reason: Extensive deterioration

Minnesota

Bldg. 644
Minnesota Air National Guard
Minneapolis Co: Hennepin MN 55111–4137
Landholding Agency: Air Force

Property Number: 189630035
Status: Unutilized
Reason: Within 2000 ft. of flammable or explosive material, Secured Area

Bldg. 684
Minnesota Air National Guard
Minneapolis Co: Hennepin MN 55111–4137
Landholding Agency: Air Force
Property Number: 189630036
Status: Unutilized
Reason: Within 2000 ft. of flammable or explosive material, Secured Area

Mississippi

Natchez Moorings
82 L. E. Berry Road
Natchez Co: Adams MS 39121–
Landholding Agency: DOT
Property Number: 879340002
Status: Unutilized
Reason: Extensive deterioration

Bldg. 6, Boiler Plant
Biloxi VA Medical Center
Biloxi Co: Harrison MS 39531–
Landholding Agency: VA
Property Number: 979410001
Status: Unutilized
Reason: Floodway

Bldg. 67
Biloxi VA Medical Center
Biloxi Co: Harrison MS 39531–
Landholding Agency: VA
Property Number: 979410008
Status: Unutilized
Reason: Extensive detorioration

Bldg. 68
Biloxi VA Medical Center
Biloxi Co: Harrison MS 39531–
Landholding Agency: VA
Property Number: 979410009
Status: Unutilized
Reason: Extensive deterioration

Montana

Bldg. 440
Malmstrom Air Force Base
Great Falls Co: Cascade MT 59402–7525
Landholding Agency: Air Force
Property Number: 189430008
Status: Unutilized
Reason: Extension 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. 529
Malstrom Air Force Base
Malstrom 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. 666, Malstrom AFB
Malmstrom AFB Co. Cascade MT 59402–
Landholding Agency: Air Force
Property Number: 189540011
Status: Underutilized
Reason: Secured Area

Bldg. 1189, Malstrom AFB
Malmstrom AFB Co: Cascade MT 59402–
Landholding Agency: Air Force
Property Number: 189540013
Status: Underutilized
Reason: Secured Area

Bldg. 1308, Malstrom AFB
Malmstrom AFB Co: Cascade MT 59402–
Landholding Agency: Air Force
Property Number: 189540014
Status: Underutilized
Reason: Secured Area

Bldg. 547
Malmstrom AFB
Malmstrom AFB Co: Cascade MT 59402–
Landholding Agency: Air Force
Property Number: 189620025
Status: Unutilized
Reason: Within 2000 ft. of flammable or explosive material, Secured Area

Bldg. 23
Great Falls ANG Station
Great Falls Co: Cascade MT 59404–
Landholding Agency: Air Force
Property Number: 189720030
Status: Excess
Reason: Within 2000 ft. of flammable or explosive material, Secured Area

Bldg. 24
Great Falls ANG Station
Great Falls Co: Cascade MT 59404–
Landholding Agency: Air Force
Property Number: 189720031
Status: Excess
Reason: Within 2000 ft. of flammable or explosive material, Secured Area

Bldg. 28
Great Falls ANG Station
Great Falls Co: Cascade MT 59404–
Landholding Agency: Air Force
Property Number: 189720032
Status: Excess
Reason: Within 2000 ft. of flammable or explosive material, Secured Area

Bldg. 35
Great Falls ANG Station
Great Falls Co: Cascade MT 59404–
Landholding Agency: Air Force
Property Number: 189720033
Status: Excess
Reason: Within 2000 ft. of flammable or explosive material, Secured Area

Bldg. 228
Malmstrom AFB
Malmstrom AFB Co: Cascade MT 59402–
Landholding Agency: Air Force
Property Number: 189720034
Status: Excess
Reason: Secured Area

Bldg. 1090
Malmstrom AFB
Malmstrom AFB Co: Cascade MT 59402–
Landholding Agency: Air Force
Property Number: 189720035
Status: Excess
Reason: Secured Area

Bldg. 1091
Malmstrom AFB
Malmstrom AFB Co: Cascade MT 59402–
Landholding Agency: Air Force
Property Number: 189720036
Status: Excess
Reason: Secured Area

Bldg. 360
Malmstrom AFB
Malmstrom AFB Co: Cascade MT 59402–
Landholding Agency: Air Force
Property Number: 189720037
Status: Excess
Reason: Secured Area

Barn/Garage
316 N. 26th Street
Billings Co: Yellowstone MT
Landholding Agency: Interior
Property Number: 619520022
Status: Excess
Reason: Extensive deterioration

Nebraska

Offutt Communications Annex–#3
Offutt Air Force Base
Scribner Co: Dodge NE 68031–
Landholding Agency: Air Force
Property Number: 189210006
Status: Unutilized
Reason: Other
Comment: former sewage lagoon

Bldg. 637
Lincoln Municipal Airport
2301 West Adams
Lincoln Co: Lancaster NE 68524–
Landholding Agency: Air Force
Property Number: 189230021
Status: Unutilized
Reason: Extensive deterioration

Bldg. 639
Lincoln Municipal Airport
2301 West Adams
Lincoln Co: Lancaster NE 68524–
Landholding Agency: Air Force
Property Number: 189230022
Status: Unutilized
Reason: Extensive deterioration

Bldg. 31
Offutt Air Force Base
Sac Boulevard
Offutt Co: Sarpy NE 68113–
Landholding Agency: Air Force
Property Number: 189240007
Status: Unutilized
Reason: Secured Area

Bldg. 311
Offutt Air Force Base
Nelson Drive
Offutt Co: Sarpy NE 68113–
Landholding Agency: Air Force
Property Number: 189240008
Status: Unutilized
Reason: Secured Area

Bldg. 401
Offutt Air Force Base
Custer Drive
Offutt Co: Sarpy NE 68113–
Landholding Agency: Air Force
Property Number: 189240009
Status: Unutilized
Reason: Secured Area

Bldg. 416
Offutt Air Force Base
Sherman Turnpike
Offutt Co: Sarpy NE 68113–
Landholding Agency: Air Force
Property Number: 189240010
Status: Unutilized
Reason: Secured Area

Bldg. 417
Offutt Air Force Base
Sherman Turnpike
Offutt Co: Sarpy NE 68113–
Landholding Agency: Air Force

Property Number: 189240011
Status: Unutilized
Reason: Secured Area

Bldg. 545
Offutt Air Force Base
Offutt Co: Sarpy NE 68113–
Landholding Agency: Air Force
Property Number: 189240012
Status: Unutilized
Reason: Secured Area

Bldg. 21
Hastings Radar Bomb Scoring Site
Hastings Co: Adams NE 68901–
Landholding Agency: Air Force
Property Number: 189320058
Status: Excess
Reason: Other
Comment: Generator

Bldg. 4, Hastings Family Hsg.
Hastings Radar Bomb Scoring Site
Hastings Co: Adams NE 68901–
Landholding Agency: Air Force
Property Number: 189320059
Status: Excess
Reason: Other
Comment: Contamination

Bldg. 500
Hastings Family Housing
Hastings Radar Bomb Scoring Site
Hastings Co: Adams NE 68901–
Landholding Agency: Air Force
Property Number: 189320060
Status: Excess
Reason: Other
Comment: Contamination

Bldg. 502
Hastings Family Housing
Hastings Radar Bomb Scoring Site
Hastings Co: Adams NE 68901–
Landholding Agency: Air Force
Property Number: 189320061
Status: Excess
Reason: Other
Comment: Contamination

Bldg. 504
Hastings Family Housing
Hastings Radar Bomb Scoring Site
Hastings Co: Adams NE 68901–
Landholding Agency: Air Force
Property Number: 189320062
Status: Excess
Reason: Other
Comment: Contamination

Bldg. 506
Hastings Family Housing
Hastings Radar Bomb Scoring Site
Hastings Co: Adams NE 68901–
Landholding Agency: Air Force
Property Number: 189320063
Status: Excess
Reason: Other
Comment: Contamination

Bldg. 507
Hastings Family Housing
Hastings Radar Bomb Scoring Site
Hastings Co: Adams NE 68901–
Landholding Agency: Air Force
Property Number: 189320064
Status: Excess
Reason: Other
Comment: Contamination

Bldg. 509
Hastings Family Housing
Hastings Radar Bomb Scoring Site
Hastings Co: Adams NE 68901–
Landholding Agency: Air Force
Property Number: 189320065
Status: Excess
Reason: Other
Comment: Contamination

Bldg. 511
Hastings Family Housing
Hastings Radar Bomb Scoring Site
Hastings Co: Adams NE 68901–
Landholding Agency: Air Force
Property Number: 189320066
Status: Excess
Reason: Other
Comment: Contamination

Bldg. 512
Hastings Family Housing
Hastings Radar Bomb Scoring Site
Hastings Co: Adams NE 68901–
Landholding Agency: Air Force
Property Number: 189320067
Status: Excess
Reason: Other
Comment: Contamination

Bldg. 515
Hastings Family Housing
Hastings Radar Bomb Scoring Site
Hastings Co: Adams NE 68901–
Landholding Agency: Air Force
Property Number: 189320068
Status: Excess
Reason: Other
Comment: Contamination

Bldg. 517
Hastings Family Housing
Hastings Radar Bomb Scoring Site
Hastings Co: Adams NE 68901–
Landholding Agency: Air Force
Property Number: 189320069
Status: Excess
Reason: Other
Comment: Contamination

Bldg. 519
Hastings Family Housing
Hastings Radar Bomb Scoring Site
Hastings Co: Adams NE 68901–
Landholding Agency: Air Force
Property Number: 189320070
Status: Excess
Reason: Other
Comment: Contamination

Bldg. 521
Hastings Family Housing
Hastings Radar Bomb Scoring Site
Hastings Co: Adams NE 68901–
Landholding Agency: Air Force
Property Number: 189320071
Status: Excess
Reason: Other
Comment: Contamination

Bldg. 523
Hastings Family Housing
Hastings Radar Bomb Scoring Site
Hastings Co: Adams NE 68901–
Landholding Agency: Air Force
Property Number: 189320072
Status: Excess
Reason: Other
Comment: Contamination

Bldg. 525
Hastings Family Housing
Hastings Radar Bomb Scoring Site
Hastings Co: Adams NE 68901–
Landholding Agency: Air Force
Property Number: 189320073
Status: Excess
Reason: Other
Comment: Contamination

Bldg. 526
Hastings Family Housing
Hastings Radar Bomb Scoring Site
Hastings Co: Adams NE 68901–
Landholding Agency: Air Force
Property Number: 189320074
Status: Excess
Reason: Other
Comment: Contamination

Bldg. 529
Hastings Family Housing
Hastings Radar Bomb Scoring Site
Hastings Co: Adams NE 68901–
Landholding Agency: Air Force
Property Number: 189320075
Status: Excess
Reason: Other
Comment: Contamination

Bldg. 531
Hastings Family Housing
Hastings Radar Bomb Scoring Site
Hastings Co: Adams NE 68901–
Landholding Agency: Air Force
Property Number: 189320076
Status: Excess
Reason: Other
Comment: Contamination

Bldg. 533
Hastings Family Housing
Hastings Radar Bomb Scoring Site
Hastings Co: Adams NE 68901–
Landholding Agency: Air Force
Property Number: 189320077
Status: Excess
Reason: Other
Comment: Contamination

Bldg. 534
Hastings Family Housing
Hastings Radar Bomb Scoring Site
Hastings Co: Adams NE 68901–
Landholding Agency: Air Force
Property Number: 189320078
Status: Excess
Reason: Other
Comment: Contamination

Bldg. 536
Hastings Family Housing
Hastings Radar Bomb Scoring Site
Hastings Co: Adams NE 68901–
Landholding Agency: Air Force
Property Number: 189320079
Status: Excess
Reason: Other
Comment: Contamination

Bldg. 538
Hastings Family Housing
Hastings Radar Bomb Scoring Site
Hastings Co: Adams NE 68901–
Landholding Agency: Air Force
Property Number: 189320080
Status: Excess
Reason: Other
Comment: Contamination

Bldg. 541
Hastings Family Housing
Hastings Radar Bomb Scoring Site
Hastings Co: Adams NE 68901–
Landholding Agency: Air Force
Property Number: 189320081
Status: Excess

Reason: Other
Comment: Contamination

Bldg. 542
Hastings Family Housing
Hastings Radar Bomb Scoring Site
Hastings Co: Adams NE 68901–
Landholding Agency: Air Force
Property Number: 189320082
Status: Excess
Reason: Other
Comment: Contamination

Bldg. 544
Hastings Family Housing
Hastings Radar Bomb Scoring Site
Hastings Co: Adams NE 68901–
Landholding Agency: Air Force
Property Number: 189320083
Status: Excess
Reason: Other
Comment: Contamination

Bldg. 546
Hastings Family Housing
Hastings Radar Bomb Scoring Site
Hastings Co: Adams NE 68901–
Landholding Agency: Air Force
Property Number: 189320084
Status: Excess
Reason: Other
Comment: Contamination

Bldg. 549
Hastings Family Housing
Hastings Radar Bomb Scoring Site
Hastings Co: Adams NE 68901–
Landholding Agency: Air Force
Property Number: 189320085
Status: Excess
Reason: Other
Comment: Contamination

Bldg. 550
Hastings Family Housing
Hastings Radar Bomb Scoring Site
Hastings Co: Adams NE 68901–
Landholding Agency: Air Force
Property Number: 189320086
Status: Excess
Reason: Other
Comment: Contamination

Bldg. 552
Hastings Family Housing
Hastings Radar Bomb Scoring Site
Hastings Co: Adams NE 68901–
Landholding Agency: Air Force
Property Number: 189320087
Status: Excess
Reason: Other
Comment: Contamination

Bldg. 553
Hastings Family Housing
Hastings Radar Bomb Scoring Site
Hastings Co: Adams NE 68901–
Landholding Agency: Air Force
Property Number: 189320088
Status: Excess
Reason: Other
Comment: Contamination

Bldg. 555
Hastings Family Housing
Hastings Radar Bomb Scoring Site
Hastings Co: Adams NE 68901–
Landholding Agency: Air Force
Property Number: 189320089
Status: Excess
Reason: Other
Comment: Contamination

Bldg. 557
Hastings Family Housing
Hastings Radar Bomb Scoring Site
Hastings Co: Adams NE 68901–
Landholding Agency: Air Force
Property Number: 189320090
Status: Excess
Reason: Other
Comment: Contamination

Bldg. 558
Hastings Family Housing
Hastings Radar Bomb Scoring Site
Hastings Co: Adams NE 68901–
Landholding Agency: Air Force
Property Number: 189320091
Status: Excess
Reason: Other
Comment: Contamination

Bldg. 560
Hastings Family Housing
Hastings Radar Bomb Scoring Site
Hastings Co: Adams NE 68901–
Landholding Agency: Air Force
Property Number: 189320092
Status: Excess
Reason: Other
Comment: Contamination

27 Detached Garages
Hastings Family Housing
Hastings Radar Bomb Scoring Site
Hastings Co: Adams NE 68901–
Landholding Agency: Air Force
Property Number: 189320093
Status: Excess
Reason: Other
Comment: Contamination

Bldg. 17
Hastings Radar Bomb Scoring Site
Hastings Co: Adams NE 68901–
Landholding Agency: Air Force
Property Number: 189320094
Status: Excess
Reason: Other
Comment: Contamination

Bldg. 16
Hastings Radar Bomb Scoring Site
Hastings Co: Adams NE 68901–
Landholding Agency: Air Force
Property Number: 189320095
Status: Excess
Reason: Other
Comment: Contamination

Bldg. 18
Hastings Radar Bomb Scoring Site
Hastings Co: Adams NE 68901–
Landholding Agency: Air Force
Property Number: 189320096
Status: Excess
Reason: Other
Comment: Contamination

Bldg. 6
Hastings Family Housing
Hastings Radar Bomb Scoring Site
Hastings Co: Adams NE 68901–
Landholding Agency: Air Force
Property Number: 189320097
Status: Excess
Reason: Other
Comment: Contamination

Bldg. 547
Hastings Family Housing
Hastings Radar Bomb Scoring Site
Hastings Co: Adams NE 68901–
Landholding Agency: Air Force
Property Number: 189320098
Status: Excess
Reason: Other
Comment: Contamination

Bldg. 604
Hastings Family Housing
Hastings Radar Bomb Scoring Site
Hastings Co: Adams NE 68901–
Landholding Agency: Air Force
Property Number: 189320099
Status: Excess
Reason: Other
Comment: Contamination

Bldg. 686
Offutt Air Force Base
Offutt Co: Sarpy NE 68113–
Landholding Agency: Air Force
Property Number: 189510021
Status: Unutilized
Reason: Secured Area

Bldg. 439
Offutt Air Force Base
Offutt Co: Sarpy NE 68113–
Landholding Agency: Air Force
Property Number: 189510022
Status: Unutilized
Reason: Secured Area

Bldg. 606
NE Air National Guard
Lincoln Co: Lancaster NE 68524–1888
Landholding Agency: Air Force
Property Number: 189720028
Status: Underutilized
Reason: Floodway, Secured Area

Bldg. 675
NE Air National Guard
Lincoln Co: Lancaster NE 68524–1888
Landholding Agency: Air Force
Property Number: 189720029
Status: Unutilized
Reason: Floodway Secured Area

New Hampshire

Bldg. 101
New Boston Air Force Station
Amherst Co: Hillsborough NH 03031–1514
Landholding Agency: Air Force
Property Number: 189320005
Status: Unutilized
Reason: Within 2000 ft. of flammable or explosive material

Bldg. 102
New Boston Air Force Station
Amherst Co: Hillsborough NH 03031–1514
Landholding Agency: Air Force
Property Number: 189320006
Status: Unutilized
Reason: Within 2000 ft. of flammable or explosive material

Bldg. 104
New Boston Air Force Station
Amherst Co: Hillsborough NH 03031–1514
Landholding Agency: Air Force
Property Number: 189320007
Status: Unutilized
Reason: Within 2000 ft. of flammable or explosive material

Bldg. 116
New Boston Air Station
Amherst Co: Hillsborough NH 03031–1514
Landholding Agency: Air Force
Property Number: 189540016
Status: Unutilized
Reason: Extensive deterioration

New Jersey

Piers and Wharf
Station Sandy Hook
Highlands Co: Monmouth NJ 07732–5000
Landholding Agency: DOT
Property Number: 879240009
Status: Unutilized
Reason: Extensive deterioration, Secured Area

Chapel Hill Front Range Light Tower
Middletown Co: Monmouth NJ 07748–
Landholding Agency: DOT
Property Number: 879440002
Status: Unutilized
Reason: Other
Comment: Skeletal tower

Bldg. 103
U.S. Coast Guard Station Sandy Hook
Middletown Co: Monmouth NJ 07737–
Landholding Agency: DOT
Property Number: 879610002
Status: Unutilized
Reason: Secured Area

New Mexico

Bldg. 831
833 CSG/DEER
Holloman AFB Co: Otero NM 88330–
Landholding Agency: Air Force
Property Number: 189130333
Status: Unutilized
Reason: Secured Area

Bldg. 21
Holloman Air Force Base Co: Otero NM 88330–
Landholding Agency: Air Force
Property Number: 189240032
Status: Unutilized
Reason: Secured Area

Bldg. 80
Holloman Air Force Base Co: Otero NM 88330–
Landholding Agency: Air Force
Property Number: 189240033
Status: Unutilized
Reason: Secured Area

Bldg. 98
Holloman Air Force Base Co: Otero NM 88330–
Landholding Agency: Air Force
Property Number: 189240034
Status: Unutilized
Reason: Secured Area

Bldg. 324
Holloman Air Force Base Co: Otero NM 88330–
Landholding Agency: Air Force
Property Number: 189240035
Status: Unutilized
Reason: Secured Area

Bldg. 598
Holloman Air Force Base Co: Otero NM 88330–
Landholding Agency: Air Force
Property Number: 189240036
Status: Unutilized
Reason: Secured Area

Bldg. 801
Holloman Air Force Base Co: Otero NM 88330–
Landholding Agency: Air Force
Property Number: 189240037
Status: Unutilized
Reason: Secured Area

Bldg. 802
Holloman Air Force Base Co: Otero NM 88330–
Landholding Agency: Air Force
Property Number: 189240038
Status: Unutilized
Reason: Secured Area

Bldg. 1095
Holloman Air Force Base Co: Otero NM 88330–
Landholding Agency: Air Force
Property Number: 189240039
Status: Unutilized
Reason: Secured Area

Bldg. 1096
Holloman Air Force Base Co: Otero NM 88330–
Landholding Agency: Air Force
Property Number: 189240040
Status: Unutilized
Reason: Secured Area

Bldg. 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

Bldg. 599
Holloman AFB Co: Otero NM 88330–
Landholding Agency: Air Force
Property Number: 189610007
Status: Unutilized
Reason: Secured Area

Bldg. 600
Holloman AFB Co: Otero NM 88330–
Landholding Agency: Air Force

Property Number: 189610008
Status: Unutilized
Reason: Secured Area

Bldg. 995
Holloman AFB Co: Otero NM 88330–
Landholding Agency: Air Force
Property Number: 189610009
Status: Unutilized
Reason: Secured Area

Bldgs. 9252, 9268
Kirtland Air Force Base
Albuquerque Co: Bernalillo NM 87185–
Landholding Agency: Energy
Property Number: 419430002
Status: Unutilized
Reason: Extensive deterioration

McGee Warehouse
Los Alamos National Lab
Los Alamos NM 87545–
Landholding Agency: Energy
Property Number: 419610043
Status: Unutilized
Reason: Extensive deterioration

Bldg. 73, TA–16
Los Alamos National Lab
Los Alamos Co: Los Alamos NM 87545–
Landholding Agency: Energy
Property Number: 419610044
Status: Unutilized
Reason: Within 2000 ft. of flammable or explosive material, Secured Area, Extensive deterioration

Bldg. 75, TA–16
Los Alamos National Lab
Los Alamos Co: Los Alamos NM 87545–
Landholding Agency: Energy
Property Number: 419610045
Status: Unutilized
Reason: Within 2000 ft. of flammable or explosive material, Secured Area, Extensive deterioration

Bldg. 76, TA–16
Los Alamos National Lab
Los Alamos Co: Los Alamos NM 87545–
Landholding Agency: Energy
Property Number: 419610046
Status: Unutilized
Reason: Within 2000 ft. of flammable or explosive material, Secured Area, Extensive deterioration

Bldg. 77, TA–16
Los Alamos National Lab
Los Alamos Co: Los Alamos NM 87545–
Landholding Agency: Energy
Property Number: 419610047
Status: Unutilized
Reason: Within 2000 ft. of flammable or explosive material, Secured Area, Extensive deterioration

Bldg. 78, TA–16
Los Alamos National Lab
Los Alamos Co: Los Alamos NM 87545–
Landholding Agency: Energy
Property Number: 419610048
Status: Unutilized
Reason: Within 2000 ft. of flammable or explosive material, Secured Area, Extensive deterioration

Bldg. 79, TA–16
Los Alamos National Laboratory
Los Alamos Co: Los Alamos NM 87545–
Landholding Agency: Energy
Property Number: 419610049
Status: Unutilized
Reason: Within 2000 ft. of flammable or explosive material, Secured Area, Extensive deterioration

Bldg. 80, TA–16
Los Alamos National Laboratory
Los Alamos Co: Los Alamos NM 87545–
Landholding Agency: Energy
Property Number: 419610050
Status: Unutilized
Reason: Within 2000 ft. of flammable or explosive material, Secured Area, Extensive deterioration

Bldg. 99, TA–16
Los Alamos National Laboratory
Los Alamos Co: Los Alamos NM 87545–
Landholding Agency: Energy
Property Number: 419610051
Status: Unutilized
Reason: Within 2000 ft. of flammable or explosive material, Secured Area, Extensive deterioration

Bldg. 89, TA–16
Los Alamos National Laboratory
Los Alamos Co: Los Alamos NM 87545–
Landholding Agency: Energy
Property Number: 419620005
Status: Unutilized
Reason: Within 2000 ft. of flammable or explosive material, Secured Area, Extensive deterioration

Bldg. 90, TA–16
Los Alamos National Laboratory
Los Alamos Co: Los Alamos NM 87545–
Landholding Agency: Energy
Property Number: 419620006
Status: Unutilized
Reason: Within 2000 ft. of flammable or explosive material, Secured Area, Extensive deterioration

Bldg. 91, TA–16
Los Alamos National Laboratory
Los Alamos Co: Los Alamos NM 87545–
Landholding Agency: Energy
Property Number: 419620007
Status: Unutilized
Reason: Within 2000 ft. of flammable or explosive material, Secured Area, Extensive deterioration

Bldg. 92, TA–16
Los Alamos National Laboratory
Los Alamos Co: Los Alamos NM 87545–
Landholding Agency: Energy
Property Number: 419620008
Status: Unutilized
Reason: Within 2000 ft. of flammable or explosive material, Secured Area, Extensive deterioration

Bldg. 93, TA–16
Los Alamos National Laboratory
Los Alamos Co: Los Alamos NM 87545–
Landholding Agency: Energy
Property Number: 419620009
Status: Unutilized
Reason: Within 2000 ft. of flammable or explosive material, Secured Area, Extensive deterioration

Bldg. 101, TA–16
Los Alamos National Laboratory
Los Alamos Co: Los Alamos NM 87545–
Landholding Agency: Energy
Property Number: 419620010
Status: Unutilized
Reason: Within 2000 ft. of flammable or explosive material, Secured Area, Extensive deterioration

Tech Area II
Kirtland Air Force Base
Albuquerque Co: Bernalillo NM 87105–
Landholding Agency: Energy
Property Number: 419630004
Status: Unutilized
Reason: Within 2000 ft. of flammable or explosive material, Secured Area, Extensive deterioration

New York

Bldg. 626 (Pin: RVKQ)
Niagara Falls International Airport
914th Tactical Airlift Group
Niagara Falls Co: Niagara NY 14303–5000
Landholding Agency: Air Force
Property Number: 189010075
Status: Unutilized
Reason: Within 2000 ft. of flammable or explosive material, Secured Area

Bldg. 272
Briffiss Air Force Base
Rome Co: Oneida NY 13441–
Landholding Agency: Air Force
Property Number: 189140022
Status: Excess
Reason: Secured Area

Bldg. 888
Griffiss Air Force Base
Rome Co: Oneida NY 13441–
Landholding Agency: Air Force
Property Number: 189140023
Status: Excess
Reason: Secured Area

Facility 814, Griffiss AFB
NE of Weapons Storage Area
Rome Co: Oneida NY 13441–
Landholding Agency: Air Force
Property Number: 189230001
Status: Excess
Reason: Within airport runway clear zone, Secured Area

Facility 808, Griffiss AFB
Perimeter Road
Rome Co: Oneida NY 13441–
Landholding Agency: Air Force
Property Number: 189230002
Status: Excess
Reason: Within airport runway clear zone, Secured Area

Facility 807, Griffiss AFB
Perimeter Road
Rome Co: Oneida NY 13441–
Landholding Agency: Air Force
Property Number: 189230003
Status: Excess
Reason: Within airport runway clear zone, Secured Area

Facility 126
Griffiss Air Force Base
Hanger Road
Rome Co: Oneida NY 13441–4520
Landholding Agency: Air Force
Property Number: 189240020
Status: Unutilized
Reason: Secured Area

Facility 127
Griffiss Air Force Base
Hanger Road
Rome Co: Oneida NY 13441–4520
Landholding Agency: Air Force
Property Number: 189240021
Status: Unutilized
Reason: Secured Area

Facility 135

Griffiss Air Force Base
Hanger Road
Rome Co: Oneida NY 13441–4520
Landholding Agency: Air Force
Property Number: 189240022
Status: Unutilized
Reason: Secured Area

Facility 137
Griffiss Air Force Base
Otis Street
Rome Co: Oneida NY 13441–4520
Landholding Agency: Air Force
Property Number: 189240023
Status: Unutilized
Reason: Secured Area

Facility 138
Griffiss Air Force Base
Otis Street
Rome Co: Oneida NY 13441–4520
Landholding Agency: Air Force
Property Number: 189240024
Status: Unutilized
Reason: Secured Area

Facility 173
Griffiss Air Force Base
Selfridge Street
Rome Co: Oneida NY 13441–4520
Landholding Agency: Air Force
Property Number: 189240025
Status: Unutilized
Reason: Secured Area

Facility 261
Griffiss Air Force Base
McDill Street
Rome Co: Oneida NY 13441–4520
Landholding Agency: Air Force
Property Number: 189240026
Status: Unutilized
Reason: Secured Area

Facility 308
Griffiss Air Force Base
205 Chanute Street
Rome Co: Oneida NY 13441–4520
Landholding Agency: Air Force
Property Number: 189240027
Status: Unutilized
Reason: Secured Area

Facility 1200
Griffiss Air Force Base
Donaldson Road
Rome Co: Oneida NY 13441–4520
Landholding Agency: Air Force
Property Number: 189240028
Status: Unutilized
Reason: Secured Area

Bldg. 759, Hancock Field
6001 East Molloy Road
Syracuse Co: Onondaga NY 13211–7099
Landholding Agency: Air Force
Property Number: 189310007
Status: Unutilized
Reason: Extensive deterioration, Secured Area

Facility 841
Griffiss Air Force Base
Rome Co: Oneida NY 13441–4520
Landholding Agency: Air Force
Property Number: 189330097
Status: Unutilized
Reason: Secured Area

Bldg. 740
Niagara Falls Air Force Reserve
Niagara Falls Co: Niagara NY 14304–5001
Landholding Agency: Air Force
Property Number: 18972006
Status: Unutilized
Reason: Within airport runway clear zone, Floodway, Secured Area

Bldg. 629
Hancock Field
Syracuse Co: Onondaga NY 13211–
Landholding Agency: Air Force
Property Number: 189730006
Status: Unutilized
Reason: Within 2000 ft. of flammable or explosive material, Secured Area

2 Buildings
Ant Saugerties
Saugerties Co: Ulster NY 12477–
Landholding Agency: DOT
Property Number: 87923005
Status: Unutilized
Reason: Extensive deterioration

Bldg. 606, Fort Totten
New York Co: Queens NY 11359–
Landholding Agency: DOT
Property Number: 879240020
Status: Unutilized
Reason: Secured Area

Bldg. 607, Fort Totten
New York Co: Queens NY 11359–
Landholding Agency: DOT
Property Number: 879240021
Status: Unutilized
Reason: Secured Area, Other
Comment: Extensive deterioration

Bldg. 605, Fort Totten
New York Co: Queens NY 11359–
Landholding Agency: DOT
Property Number: 879240022
Status: Unutilized
Reason: Secured Area, Other
Comment: Extensive deterioration

Eatons Neck Station
U.S. Coast Guard
Huntington Co: Suffolk NY 11743–
Landholding Agency: DOT
Property Number: 879310003
Status: Unutilized
Reason: Extensive deterioration, Secured Area

Bldg. 517, USCG Support Center
Governors Island Co: Manhattan NY 10004–
Landholding Agency: DOT
Property Number: 879320025
Status: Unutilized
Reason: Secured Area

Bldg. 138
U.S. Coast Guard Support Center
Governors Island Co: Manhattan NY 10004–
Landholding Agency: DOT
Property Number: 879410003
Status: Unutilized
Reason: Secured Area

Bldg. 830
U.S. Coast Guard
Governors Island Co: Manhattan NY 10004–
Landholding Agency: DOT
Property Number: 879420004
Status: Unutilized
Reason: Secured Area

Bldg. 8
Rosebank—Coast Guard Housing
Staten Island Co: Richmond NY 10301–
Landholding Agency: DOT
Property Number: 879530009
Status: Unutilized
Reason: Secured Area

Bldg. 7
Rosebank—Coast Guard Housing
Staten Island Co: Richmond NY 10301–
Landholding Agency: DOT
Property Number: 879530010
Status: Unutilized
Reason: Secured Area, Extensive deterioration

Bldg. 222
Fort Wadsworth
Staten Island Co: Richmond NY 10305–
Landholding Agency: DOT
Property Number: 879620003
Status: Unutilized
Reason: Secured Area

Bldg. 223
Fort Wadsworth
Staten Island Co: Richmond NY 10305–
Landholding Agency: DOT
Property Number: 879620004
Status: Unutilized
Reason: Secured Area

Bldg. 205
Fort Wadsworth
Staten Island Co: Richmond NY 10305–
Landholding Agency: DOT
Property Number: 879620005
Status: Unutilized
Reason: Secured Area

Bldg. 9
U.S. Coast Guard—Rosebank
Staten Island Co: Richmond NY 10301–
Landholding Agency: DOT
Property Number: 879630027
Status: Excess
Reason: Secured Area

Bldg. 10
U.S. Coast Guard—Rosebank
Staten Island Co: Richmond NY 10301–
Landholding Agency: DOT
Property Number: 879630028
Status: Excess
Reason: Secured Area

Bldg. 206, Rosebank
Staten Island Co: Richmond NY 10301–
Landholding Agency: DOT
Property Number: 879630029
Status: Excess
Reason: Secured Area

Bldg. 144, VAECC
Linden Blvd. and 179th St.
St. Albans Co: Queens NY 11425–
Landholding Agency: VA
Property Number: 979210004
Status: Unutilized
Reason: Extensive deterioration

Bldg. 143, VAECC
Linden Blvd. and 179th St.
St. Albans Co: Queens NY 11425–
Landholding Agency: VA
Property Number: 979210005
Status: Unutilized
Reason: Extensive deterioration

Bldgs. 142/146, VAECC
Linden Blvd. and 179th St.
St. Albans Co: Queens NY 11425–
Landholding Agency: VA
Property Number: 979210006
Status: Unutilized
Reason: Extensive deterioration

Bldg. 72, VAECC
St. Albans Co: Queens NY 11425–
Landholding Agency: VA
Property Number: 979720001

Status: Unutilized
Reason: Extensive deterioration

Bldg. 73, VAECC
St. Albans Co: Queens NY 11425–
Landholding Agency: VA
Property Number: 979720002
Status: Unutilized
Reason: Extensive deterioration

Bldg. 94, VAECC
St. Albans Co: Queens NY 11425–
Landholding Agency: VA
Property Number: 979720003
Status: Unutilized
Reason: Extensive deterioration

Bldg. 158, VAECC
St. Albans Co: Queens NY 11425–
Landholding Agency: VA
Property Number: 979720004
Status: Unutilized
Reason: Extensive deterioration

North Carolina

Bldg. 4230—Youth Center
Cannon Ave.
Goldsboro Co: Wayne NC 27531–5005
Landholding Agency: Air Force
Property Number: 189120233
Status: Underutilized
Reason: Secured Area

Bldg. 607, Pope Air Force Base
Fayetteville Co: Cumberland NC 28308–2890
Landholding Agency: Air Force
Property Number: 189330041
Status: Unutilized
Reason: Extensive deterioration, Secured Area

Bldg. 910, Pope Air Force Base
Fayetteville Co: Cumberland NC 28308–2003
Landholding Agency: Air Force
Property Number: 189420022
Status: Unutilized
Reason: Secured Area, Extensive deterioration

Bldg. 912, Pope Air Force Base
Fayetteville Co: Cumberland NC 28308–2003
Landholding Agency: Air Force
Property Number: 189420023
Status: Unutilized
Reason: Secured Area, Extensive deterioration

Bldg. 914, Pope Air Force Base
Fayetteville Co: Cumberland NC 28308–2003
Landholding Agency: Air Force
Property Number: 189420024
Status: Unutilized
Reason: Secured Area, Extensive deterioration

Bldg. 633, Pope Air Force Base
Fayetteville Co: Cumberland NC 28308–
Landholding Agency: Air Force
Property Number: 189540019
Status: Unutilized
Reason: Secured Area, Extensive deterioration

Bldg. SH–31
Marine Corps Base
Camp Lejeune Co: Onslow NC 28542–0004
Landholding Agency: Navy
Property Number: 779410023
Status: Unutilized
Reason: Secured Area, Extensive deterioration

Bldg. 867
Marine Corps Base
Camp Lejeune Co: Onslow NC 28542–0004
Landholding Agency: Navy
Property Number: 779410030
Status: Unutilized
Reason: Secured Area, Extensive deterioration

Bldg. TC–910
Marine Corps Base
Camp Lejeune Co: Onslow NC 28542–0004
Landholding Agency: Navy
Property Number: 779420004
Status: Unutilized
Reason: Extensive deterioration

Bldg. S–1213
Marine Corps Base
Camp Lejeune Co: Onslow NC 28542–0004
Landholding Agency: Navy
Property Number: 779420006
Status: Unutilized
Reason: Extensive deterioration

Bldg. 98
Marine Corps Air Station
Havelock Co: Craven NC 28533–
Landholding Agency: Navy
Property Number: 779420012
Status: Excess
Reason: Secured Area, Extensive deterioration

Bldg. 1234
Marine Corps Air Station
Havelock Co: Craven NC 28533–
Landholding Agency: Navy
Property Number: 779420014
Status: Excess
Reason: Secured Area, Extensive deterioration

Bldg. 1235
Marine Corps Air Station
Havelock Co: Craven NC 28533–
Landholding Agency: Navy
Property Number: 779420015
Status: Excess
Reason: Secured Area, Extensive deterioration

Bldg. 1390
Marine Corps Air Station
Havelock Co: Craven NC 28533–
Landholding Agency: Navy
Property Number: 779420017
Status: Excess
Reason: Secured Area, Extensive deterioration

Bldg. 1745
Marine Corps Air Station
Havelock Co: Craven NC 28533–
Landholding Agency: Navy
Property Number: 779420022
Status: Excess
Reason: Secured Area, Extensive deterioration

Bldg. 3546
Marine Corps Air Station
Havelock Co: Craven NC 28533–
Landholding Agency: Navy
Property Number: 779420025
Status: Excess
Reason: Secured Area, Extensive deterioration

Bldg. 9017
Piney Island
Marine Corps Air Stations
Cherry Point Co: Carteret NC
Landholding Agency: Navy
Property Number: 779430001
Status: Unutilized
Reason: Secured Area, Extensive deterioration

Bldg. 9019
Piney Island
Marine Corps Air Stations
Cherry Point Co: Carteret NC
Landholding Agency: Navy
Property Number: 779430002
Status: Unutilized
Reason: Secured Area, Extensive deterioration

Bldg. 9021
Piney Island
Marine Corps Air Stations
Cherry Point Co: Carteret NC
Landholding Agency: Navy
Property Number: 779430003
Status: Unutilized
Reason: Secured Area, Extensive deterioration

Bldg. 9023
Piney Island
Marine Corps Air Stations
Cherry Point Co: Carteret NC
Landholding Agency: Navy
Property Number: 779430004
Status: Unutilized
Reason: Secured Area, Extensive deterioration

Bldg. 9035
Piney Island
Marine Corps Air Stations
Cherry Point Co: Carteret NC
Landholding Agency: Navy
Property Number: 779430005
Status: Unutilized
Reason: Secured Area, Extensive deterioration

Bldg. 935, Cherry Point
Marine Corps Air Station
Havelock Co: Craven NC 28533–
Landholding Agency: Navy
Property Number: 779430025
Status: Unutilized
Reason: Secured Area, Extensive deterioration

Facility 1972, Cherry Point
Marine Corps Air Station
Havelock Co: Craven NC 28533–
Landholding Agency: Navy
Property Number: 779430026
Status: Unutilized
Reason: Secured Area, Extensive deterioration

Bldg. 3248
Marine Corps Air Station, Cherry Point
Havelock Co: Craven NC 28533–
Landholding Agency: Navy
Property Number: 779440009
Status: Unutilized
Reason: Secured Area, Extensive deterioration

Bldg. TT 38, Camp Lejeune
Camp Lejeune Co: Onslow NC 28542–0004
Landholding Agency: Navy
Property Number: 779440012
Status: Unutilized
Reason: Secured Area, Extensive deterioration

Bldg. AS 147, Camp Lejeune
Camp Lejeune Co: Onslow NC 28542–0004
Landholding Agency: Navy
Property Number: 779440014

Status: Unutilized
Reason: Secured Area, Extensive deterioration

Bldg. S 745, Camp Lejeune
Camp Lejeune Co: Onslow NC 28542–0004
Landholding Agency: Navy
Property Number: 779440020
Status: Unutilized
Reason: Secured Area, Extensive deterioration

Bldg. 1810, Camp Lejeune
Camp Lejeune Co: Onslow NC 28542–0004
Landholding Agency: Navy
Property Number: 779440025
Status: Unutilized
Reason: Secured Area, Extensive deterioration

Structure #2322
Camp Lejeune
Camp Lejeune Co: Onslow NC 28542–0004
Landholding Agency: Navy
Property Number: 779510025
Status: Unutilized
Reason: Secured Area

Structure RR–85
Camp Lejeune, Base Rifle Range
Camp Lejeune Co: Onslow NC 28542–0004
Landholding Agency: Navy
Property Number: 779520016
Status: Unutilized
Reason: Secured Area, Extensive deterioration

Structure SRR–86
Camp Lejeune, Base Rifle Range
Camp Lejeune Co: Onslow NC 28542–0004
Landholding Agency: Navy
Property Number: 779520017
Status: Unutilized
Reason: Secured Area, Extensive deterioration

Bldg. 168
Marine Corps Air Station—Cherry Point
Havelock Co: Craven NC 28533–
Landholding Agency: Navy
Property Number: 779530015
Status: Excess
Reason: Secured Area, Extensive deterioration

Bldg. 1739
Marine Corps Air Station—Cherry Point
Havelock Co: Craven NC 28533–
Landholding Agency: Navy
Property Number: 779530019
Status: Excess
Reason: Secured Area, Extensive deterioration

Bldg. 1741
Marine Corps Air Station—Cherry Point
Havelock Co: Craven NC 28533–
Landholding Agency: Navy
Property Number: 779530020
Status: Excess
Reason: Secured Area, Extensive deterioration

Bldg. 1990
Marine Corps Air Station—Cherry Point
Havelock Co: Craven NC 28533–
Landholding Agency: Navy
Property Number: 779530021
Status: Excess
Reason: Secured Area, Extensive deterioration

Bldg. 1991
Marine Corps Air Station—Cherry Point
Havelock Co: Craven NC 28533–
Landholding Agency: Navy
Property Number: 779530022
Status: Excess
Reason: Secured Area, Extensive deterioration

Bldg. 8525
Marine Corps Air Station, Cherry Point Co: Jones NC 28585–
Landholding Agency: Navy
Property Number: 779610013
Status: Unutilized
Reason: Secured Area, Extensive deterioration

Structure S936
Marine Corps Base, Camp Lejeune
Camp Lejeune Co: Onslow NC 28542–0004
Landholding Agency: Navy
Property Number: 779610019
Status: Unutilized
Reason: Secured Area, Extensive deterioration

Structure FC363
Marine Corps Base, Camp Lejeune
Camp Lejeune Co: Onslow NC 28542–0004
Landholding Agency: Navy
Property Number: 779610020
Status: Unutilized
Reason: Secured Area, Extensive deterioration

Bldg. SA–30, Camp Lejeune
Camp Lejeune Co: Onslow NC 28542–0004
Landholding Agency: Navy
Property Number: 779610025
Status: Unutilized
Reason: Secured Area, Extensive deterioration

Bldg. A–37, Camp Lejeune
Camp Lejeune Co: Onslow NC 28542–0004
Landholding Agency: Navy
Property Number: 779610026
Status: Unutilized
Reason: Secured Area, Extensive deterioration

Bldg. 1315
Marine Corps Air Station, Cherry Point
Landholding Agency: Navy
Property Number: 779620037
Status: Excess
Reason: Secured Area, Extensive deterioration

Bldg. 1748
Marine Corps Air Station, Cherry Point
Havelock Co: Craven NC 28533–
Landholding Agency: Navy
Property Number: 779620038
Status: Excess
Reason: Secured Area, Extensive deterioration

Bldg. 4054
Marine Corps Air Station, Cherry Point
Havelock Co: Craven NC 28533–
Landholding Agency: Navy
Property Number: 779620040
Status: Excess
Reason: Secured Area, Extensive deterioration

Bldg. 8075
Marine Corps Air Station, Cherry Point
Havelock Co: Craven NC 28533–
Landholding Agency: Navy
Property Number: 779620041
Status: Excess
Reason: Secured Area, Extensive deterioration

Bldg. BA102, Camp Lejeune
Camp Lejeune Co: Onslow NC 28542–0004
Landholding Agency: Navy
Property Number: 779710064
Status: Unutilized
Reason: Secured Area, Extensive deterioration

Bldg. BA103, Camp Lejeune
Camp Lejeune Co: Onslow NC 28542–0004
Landholding Agency: Navy
Property Number: 779710065
Status: Unutilized
Reason: Secured Area, Extensive deterioration

Bldg. BA104, Camp Lejeune
Camp Lejeune Co: Onslow NC 28542–0004
Landholding Agency: Navy
Property Number: 779710066
Status: Unutilized
Reason: Secured Area, Extensive deterioration

Bldg. BA101, Camp Lejeune
Camp Lejeune Co: Onslow NC 28542–0004
Landholding Agency: Navy
Property Number: 779720002
Status: Unutilized
Reason: Secured Area, Extensive deterioration

Bldg. BA105, Camp Lejeune
Camp Lejeune Co: Onslow NC 28542–0004
Landholding Agency: Navy
Property Number: 779720003
Status: Unutilized
Reason: Secured Area, Extensive deterioration

Bldg. BA130, Camp Lejeune
Camp Lejeune Co: Onslow NC 28542–0004
Landholding Agency: Navy
Property Number: 779720004
Status: Unutilized
Reason: Secured Area, Extensive deterioration

Bldg. SBA131, Camp Lejeune
Camp Lejeune Co: Onslow NC 28542–0004
Landholding Agency: Navy
Property Number: 779720006
Status: Unutilized
Reason: Secured Area, Extensive deterioration

Bldg. SBA132, Camp Lejeune
Camp Lejeune Co: Onslow NC 28542–0004
Landholding Agency: Navy
Property Number: 779720007
Status: Unutilized
Reason: Secured Area, Extensive deterioration

Bldg. SBA133, Camp Lejeune
Camp Lejeune Co: Onslow NC 28542–0004
Landholding Agency: Navy
Property Number: 779720008
Status: Unutilized
Reason: Secured Area, Extensive deterioration

Bldg. SBA155, Camp Lejeune
Camp Lejeune Co: Onslow NC 28542–0004
Landholding Agency: Navy
Property Number: 779720009
Status: Unutilized
Reason: Secured Area, Extensive deterioration

Bldg. 484
Marine Corps Air Station, Cherry Point
Havelock Co: Craven NC 28533–
Landholding Agency: Navy

Property Number: 779720015
Status: Excess
Reason: Secured Area, Extensive deterioration

Bldg. 3653
Marine Corps Air Station, Cherry Point
Havelock Co: Craven NC 28533–
Landholding Agency: Navy
Property Number: 779720016
Status: Excess
Reason: Secured Area, Extensive deterioration

Bldg. M240, Camp Lejeune
Camp Lejeune Co: Onslow NC 28542–0004
Landholding Agency: Navy
Property Number: 779720024
Status: Unutilized
Reason: Secured Area

Bldg. M178, Camp Lejeune
Camp Johnson Area
Camp Lejeune Co: Onslow NC 28542–0004
Landholding Agency: Navy
Property Number: 779720044
Status: Unutilized
Reason: Extensive deterioration, Secured Area

Bldg. TC1059, Camp Lejeune
French Creek Area
Camp Lejeune Co: Onslow NC 28542–0004
Landholding Agency: Navy
Property Number: 779720045
Status: Unutilized
Reason: Extensive deterioration, Secured Area

Bldg. 9065
Marine Corps Air Station, Cherry Point
Point of Marsh Bombing Range
Havelock Co: Carteret NC 28511–
Landholding Agency: Navy
Property Number: 779720047
Status: Excess
Reason: Secured Area, Extensive deterioration

Bldg. 4329
Marine Corps Air Station, Cherry Point
Havelock Co: Craven NC 28533–
Landholding Agency: Navy
Property Number: 779720048
Status: Excess
Reason: Secured Area

Bldg. 4424
Marine Corps Air Station, Cherry Point
Havelock Co: Craven NC 28533–
Landholding Agency: Navy
Property Number: 779720049
Status: Excess
Reason: Secured Area

Bldg. 478
Marine Corps Air Station, Cherry Point
Havelock Co: Craven NC 28533–
Landholding Agency: Navy
Property Number: 779720123
Status: Excess
Reason: Within 2000 ft. of flammable or explosive material, Secured Area, Extensive deterioration

Bldg. 249
Marine Corps Air Station, Cherry Point
Havelock Co: Craven NC 28533–
Landholding Agency: Navy
Property Number: 779730026
Status: Unutilized
Reason: Secured Area

Group Cape Hatteras
Boiler Plant
Buxton Co: Dare NC 27902–0604
Landholding Agency: DOT
Property Number: 879240018
Status: Unutilized
Reason: Secured Area

Group Cape Hatteras
Bowling Alley
Buxton Co: Dare NC 27902–0604
Landholding Agency: DOT
Property Number: 879240019
Status: Unutilized
Reason: Secured Area

Bldg. 21, Fuel Farm
U.S. Coast Guard Air Station
Elizabeth City Co: Pasquotank NC 27909–5006
Landholding Agency: DOT
Property Number: 879320010
Status: Unutilized
Reason: Floodway, Secured Area

Bldg. 22, Fuel Farm
U.S. Coast Guard Air Station
Elizabeth City Co: Pasquotank NC 27909–5006
Landholding Agency: DOT
Property Number: 879320011
Status: Unutilized
Reason: Floodway, Secured Area

Bldg. 25, Fuel Farm
U.S. Coast Guard Air Station
Elizabeth City Co: Pasquotank NC 27909–5006
Landholding Agency: DOT
Property Number: 879320012
Status: Unutilized
Reason: Floodway, Secured Area

Bldg. 27, Fuel Farm
U.S. Coast Guard Air Station
Elizabeth City Co: Pasquotank NC 27909–5006
Landholding Agency: DOT
Property Number: 879320013
Status: Unutilized
Reason: Floodway, Secured Area

Bldg. 32, Fuel Farm
U.S. Coast Guard Air Station
Elizabeth City Co: Pasquotank NC 27909–5006
Landholding Agency: DOT
Property Number: 879320014
Status: Unutilized
Reason: Floodway, Secured Area

Bldg. 67, USCG Support Center
Elizabeth City Co: Pasquotank NC 27909–5006
Landholding Agency: DOT
Property Number: 879320016
Status: Unutilized
Reason: Secured Area

Bldg. 69, USCG Support Center
Elizabeth City Co: Pasquotank NC 27909–5006
Landholding Agency: DOT
Property Number: 879320017
Status: Unutilized
Reason: Secured Area

Bldg. 71, USCG Support Center
Elizabeth City Co: Pasquotank NC 27909–5006
Landholding Agency: DOT
Property Number: 879320018
Status: Unutilized
Reason: Secured Area

Bldg. 73, USCG Support Center
Elizabeth City Co: Pasquotank NC 27909–5006
Landholding Agency: DOT
Property Number: 879320019
Status: Unutilized
Reason: Secured Area

Bldg. 54
Group Cape Hatteras
Buston Co: Dare NC 27902–0604
Landholding Agency: DOT
Property Number: 879340004
Status: Unutilized
Reason: Secured Area

Bldg. 83
Group Cape Hatteras
Buston Co: Dare NC 27902–0604
Landholding Agency: DOT
Property Number: 879340005
Status: Unutilized
Reason: Secured Area

Water Tanks
Group Cape Hatteras
Buston Co: Dare NC 27902–0604
Landholding Agency: DOT
Property Number: 879340006
Status: Unutilized
Reason: Secured Area

USCG Gentian (WLB 290)
Fort Macon State Park
Atlantic Beach Co: Carteret NC 27601–
Landholding Agency: DOT
Property Number: 879420007
Status: Excess
Reason: Secured Area

Unit #71
Buxton Annex, Cape Kendrick Circle
Buxton Co: Dare NC 27920–
Landholding Agency: DOT
Property Number: 879530011
Status: Unutilized
Reason: Floodway

Unit #72
Buxton Annex, Cape Kendrick Circle
Buxton Co: Dare NC 27920–
Landholding Agency: DOT
Property Number: 879530012
Status: Unutilized
Reason: Floodway

Unit #73
Buxton Annex, Cape Kendrick Circle
Buxton Co: Dare NC 27920–
Landholding Agency: DOT
Property Number: 879530013
Status: Unutilized
Reason: Floodway

Unit #74
Buxton Annex, Cape Kendrick Circle
Buxton Co: Dare NC 27920–
Landholding Agency: DOT
Property Number: 879530014
Status: Unutilized
Reason: Floodway

Unit #75
Buxton Annex, Cape Kendrick Circle
Buxton Co: Dare NC 27920–
Landholding Agency: DOT
Property Number: 879530015
Status: Unutilized
Reason: Floodway

Unit #63
Buxton Annex, Anna May Court
Buxton Co: Dare NC 27920–
Landholding Agency: DOT

Property Number: 879530016
Status: Unutilized
Reason: Floodway

Unit #64
Buxton Annex, Anna May Court
Buxton Co: Dare NC 27920–
Landholding Agency: DOT
Property Number: 879530017
Status: Unutilized
Reason: Floodway

Unit #76
Buxton Annex, Anna May Court
Buxton Co: Dare NC 27920–
Landholding Agency: DOT
Property Number: 879530018
Status: Unutilized
Reason: Floodway

Unit #68
Buxton Annex, Anna May Court
Buxton Co: Dare NC 27920–
Landholding Agency: DOT
Property Number: 879530019
Status: Unutilized
Reason: Floodway

Unit #69
Buxton Annex, Anna May Court
Buxton Co: Dare NC 27920–
Landholding Agency: DOT
Property Number: 879530020
Status: Unutilized
Reason: Floodway

Unit #70
Buxton Annex, Anna May Court
Buxton Co: Dare NC 27920–
Landholding Agency: DOT
Property Number: 879530021
Status: Unutilized
Reason: Floodway

Unit #77
Buxton Annex, Old Lighthouse Road
Buxton Co: Dare NC 27920–
Landholding Agency: DOT
Property Number: 879530022
Status: Unutilized
Reason: Floodway

Unit #78
Buxton Annex, Old Lighthouse Road
Buxton Co: Dare NC 27920–
Landholding Agency: DOT
Property Number: 879530023
Status: Unutilized
Reason: Floodway

Bldg. 45
Coast Guard Support Center
Elizabeth City Co: Pasquotank NC 27909–5006
Landholding Agency: DOT
Property Number: 879630020
Status: Unutilized
Reason: Secured Area

Bldg. 47
Coast Guard Support Center
Elizabeth City Co: Pasquotank NC 27909–5006
Landholding Agency: DOT
Property Number: 879630021
Status: Unutilized
Reason: Secured Area

Bldg. 53
Coast Guard Support Center
Elizabeth City Co: Pasquotank NC 27909–5006
Landholding Agency: DOT
Property Number: 879630022
Status: Unutilized
Reason: Secured Area

Bldg. 57
Coast Guard Support Center
Elizabeth City Co: Pasquotank NC 27909–5006
Landholding Agency: DOT
Property Number: 879630023
Status: Unutilized
Reason: Secured Area

Bldg. 59
Coast Guard Support Center
Elizabeth City Co: Pasquotank NC 27909–5006
Landholding Agency: DOT
Property Number: 879630024
Status: Unutilized
Reason: Secured Area

Bldg. 92
Coast Guard Support Center
Elizabeth City Co: Pasquotank NC 27909–5006
Landholding Agency: DOT
Property Number: 879630025
Status: Unutilized
Reason: Secured Area

Bldg. 94, Coast Guard
Elizabeth City Co: Pasquotank NC 27909–
Landholding Agency: DOT
Property Number: 879640004
Status: Unutilized
Reason: Secured Area

Bldg. 9
VA Medical Center
1100 Tunnel Road
Asheville Co: Buncombe NC 28805–
Landholding Agency: VA
Property Number: 979010008
Status: Underutilized
Reason: Other
Comment: Friable asbestos

North Dakota

Bldg. 422
Minot Air Force Base
Minot Co: Ward ND 58705–
Landholding Agency: Air Force
Property Number: 189010724
Status: Underutilized
Reason: Secured Area

Bldg. 50
Fortuna Air Force Station
Extreme northwestern corner of North Dakota
Fortuna Co: Divide ND 58844–
Landholding Agency: Air Force
Property Number: 189310107
Status: Excess
Reason: Other
Comment: garbage incinerator

Bldg. 119
Minot Air Force Base
Minot Co: Ward ND 58701–
Landholding Agency: Air Force
Property Number: 189320034
Status: Unutilized
Reason: Secured Area

Bldg. 526
Minot Air Force Base
Minot Co: Ward ND 58701–
Landholding Agency: Air Force
Property Number: 189320038
Status: Unutilized
Reason: Secured Area

Bldg. 895
Minot Air Force Base
Minot Co: Ward ND 58701–
Landholding Agency: Air Force
Property Number: 189320039
Status: Unutilized
Reason: Secured Area

Ohio

Fernald Env. Mgmt. Project
7400 Willey Road
Fernald Co: Hamilton OH 45030–
Landholding Agency: Energy
Property Number: 419540005
Status: Unutilized
Reason: Other
Comment: contamination

Mound—Guard Post
Mound Road
Miamisburg Co: Montgomery OH 45343–
Landholding Agency: Energy
Property Number: 419540006
Status: Unutilized
Reason: Within 2000 ft. of flammable or explosive material

Oklahoma

Bldgs. 4a, 4b, 6, 8, 9, 11, 12
NIPER
Bartlesville Co: Washington OK 74003–
Landholding Agency: Energy
Property Number: 419720003
Status: Unutilized
Reason: Extensive deterioration

Oregon

Bldg. 0210
500 Nevada Street
Klamath Falls Co: Klamath OR 97601–
Landholding Agency: Interior
Property Number: 619540002
Status: Unutilized
Reason: Extensive deterioration

Bldg. 0211
500 Nevada Street
Klamath Falls Co: Klamath OR 97601–
Landholding Agency: Interior
Property Number: 619540003
Status: Unutilized
Reason: Extensive deterioration

Bldg. 0213
500 Nevada Street
Klamath Falls Co: Klamath OR 97601–
Landholding Agency: Interior
Property Number: 619540004
Status: Unutilized
Reason: Extensive deterioration

Bldg. 0214
500 Nevada Street
Klamath Falls Co: Klamath OR 97601–
Landholding Agency: Interior
Property Number: 619540005
Status: Unutilized
Reason: Extensive deterioration

Bldg. 0510
Wilson Dam Residence
Klamath Falls Co: Klamath OR 97601–
Landholding Agency: Interior
Property Number: 619540006
Status: Unutilized
Reason: Extensive deterioration

Mooring/Boathouse
Station Chetco River
Brookings Co: Curry OR 97415–
Landholding Agency: DOT
Property Number: 879630026
Status: Excess
Reason: Floodway

Pennsylvania

Z-Bldg.
Bettis Atomic Power Lab
West Mifflin Co: Allegheny PA 15122–0109
Landholding Agency: Energy
Property Number: 419720002
Status: Excess
Reason: Extensive deterioration

Former Ebert House
Johnny Bee Rd.
Dingmans Co: Pike PA 18328–
Landholding Agency: Interior
Property Number: 619720049
Status: Unutilized
Reason: Extensive deterioration

Bldg. 1981
Naval Weapons Station–Q Area
Yorktown Co: York PA 23691–
Landholding Agency: Navy
Property Number: 779640018
Status: Unutilized
Reason: Within 2000 ft. of flammable of explosive material, Secured Area

Bldg. 22
Willow Grove Naval Air Station
Willow Grove Co: Montgomery PA 19090–
Landholding Agency: Navy
Property Number: 779720028
Status: Excess
Reason: Extensive deterioration

Puerto Rico

NAFA Warehouse
U.S. Coast Guard Air Station Borinquen
Aquadilla PR 00604–
Landholding Agency: DOT
Property Number: 879310011
Status: Unutilized
Reason: Secured Area

Storage Equipment Bldg.
U.S. Coast Guard Air Station Borinquen
Aquadilla PR 00604–
Landholding Agency: DOT
Property Number: 879330001
Status: Unutilized
Reason: Secured Area

Bldg. 115
U.S. Coast Guard Base
San Juan PR 00902–2029
Landholding Agency: DOT
Property Number: 879510001
Status: Unutilized
Reason: Secured Area

Bldg. 117
U.S. Coast Guard Base
San Juan PR 00902–2029
Landholding Agency: DOT
Property Number: 879510002
Status: Unutilized
Reason: Secured Area

Bldg. 118
U.S. Coast Guard Base
San Juan PR 00902–2029
Landholding Agency: DOT
Property Number: 879510003
Status: Unutilized
Reason: Secured Area

Bldg. 119
U.S. Coast Guard Base
San Juan PR 00902–2029
Landholding Agency: DOT
Property Number: 879510004
Status: Unutilized
Reason: Secured Area

Bldg. 129
U.S. Coast Guard Base
San Juan PR 00902–2029
Landholding Agency: DOT
Property Number: 879510005
Status: Unutilized
Reason: Secured Area

Bldg. 122
U.S. Coast Guard Base
San Juan PR 00902–2029
Landholding Agency: DOT
Property Number: 879510006
Status: Unutilized
Reason: Secured Area

Bldg. 128
U.S. Coast Guard Base
San Juan PR 00902–2029
Landholding Agency: DOT
Property Number: 879510007
Status: Unutilized
Reason: Secured Area

Bldg. 129
U.S. Coast Guard Base
San Juan PR 00902–2029
Landholding Agency: DOT
Property Number: 879510008
Status: Unutilized
Reason: Secured Area

Rhode Island

Bldg. 32
Naval Underwater Systems Center
Gould Island Annex
Middletown Co: Newport RI 02840–
Landholding Agency: Navy
Property Number: 779010273
Status: Excess
Reason: Secured Area

Station Point Judith Pier
Narranganset Co: Washington RI 02882–
Landholding Agency: DOT
Property Number: 879310002
Status: Unutilized
Reason: Extensive deterioration

South Dakota

Bldg. 200, South Nike Ed Annex
Ellsworth Air Force Base
Ellsworth AFB Co: Pennington SD 57706–
Landholding Agency: Air Force
Property Number: 189320048
Status: Unutilized
Reason: Extensive deterioration

Bldg. 201, South Nike Ed Annex
Ellsworth Air Force Base
Ellsworth AFB Co: Pennington SD 57706–
Landholding Agency: Air Force
Property Number: 189320049
Status: Unutilized
Reason: Extensive deterioration

Bldg. 203, South Nike Ed Annex
Ellsworth Air Force Base
Ellsworth AFB Co: Pennington SD 57706–
Landholding Agency: Air Force
Property Number: 189320050
Status: Unutilized
Reason: Extensive deterioration

Bldg. 204, South Nike Ed Annex
Ellsworth Air Force Base
Ellsworth AFB Co: Pennington SD 57706–
Landholding Agency: Air Force
Property Number: 189320051
Status: Unutilized
Reason: Extensive deterioration

Bldg. 205, South Nike Ed Annex
Ellsworth Air Force Base
Ellsworth AFB Co: Pennington SD 57706–
Landholding Agency: Air Force
Property Number: 189320052
Status: Unutilized
Reason: Extensive deterioration

Bldg. 206, South Nike Ed Annex
Ellsworth Air Force Base
Ellsworth AFB Co: Pennington SD 57706–
Landholding Agency: Air Force
Property Number: 189320053
Status: Unutilized
Reason: Extensive deterioration

Bldg. 00605
Ellsworth Air Force Base
Ellsworth AFB Co: Pennington SD 57706–
Landholding Agency: Air Force
Property Number: 189320054
Status: Underutilized
Reason: Secured Area

Bldg. 88470
Ellsworth Air Force Base
Ellsworth AFB Co: Meade SD 57706–
Landholding Agency: Air Force
Property Number: 189340033
Status: Unutilized
Reason: Within 2000 ft. of flammable or explosive material, Secured Area

Bldg. 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. 6905
Ellsworth AFB
Ellsworth AFB Co: Pennington SD 57706–
Landholding Agency: Air Force
Property Number: 189440010
Status: Underutilized
Reason: Secured Area

Bldg. 1111
Ellsworth AFB
Ellsworth AFB Co: Pennington SD 57706–
Landholding Agency: Air Force
Property Number: 189610005

Status: Unutilized
Reason: Secured Area

Bldg. 111
Ellsworth Air Force Base
Ellsworth AFB Co: Meade SD 57706–
Landholding Agency: Air Force
Property Number: 189730007
Status: Unutilized
Reason: Secured Area

Tennessee

Bldg. 3004
Oak Ridge National Lab
Oak Ridge Co: Roane TN 37831–
Landholding Agency: Energy
Property Number: 419710002
Status: Unutilized
Reason: Secured Area, Extensive deterioration

Bldg. 3004
Oak Ridge National Lab
Oak Ridge Co: Roane TN 37831–
Landholding Agency: Energy
Property Number: 419720001
Status: Excess
Reason: Extensive deterioration

Bldgs. 9714–3, 9714–4, 9983–AY
Y–12 Pistol Range
Oak Ridge Co: Anderson TN 37831–
Landholding Agency: Energy
Property Number: 419720004
Status: Unutilized
Reason: Secured Area

Texas

Bldg. 40
Laughlin Air Force Base Co: Val Verde TX 78843–5000
Landholding Agency: Air Force
Property Number: 189420014
Status: Unutilized
Reason: Extensive deterioration

Bldg. 119
Laughlin Air Force Base Co: Val Verde TX 78843–5000
Landholding Agency: Air Force
Property Number: 189420016
Status: Unutilized
Reason: Extensive deterioration

Bldg. 00153
Reese Air Force Base
Lubbock Co: Lubbock TX 79489–5000
Landholding Agency: Air Force
Property Number: 189540017
Status: Unutilized
Reason: Secured Area

Bldg. 03130
Reese Air Force Base
Lubbock Co: Lubbock TX 79489–5000
Landholding Agency: Air Force
Property Number: 189540018
Status: Unutilized
Reason: Secured Area

Bldg. 122
Laughlin AFB Co: Val Verde TX
Landholding Agency: Air Force
Property Number: 189640015
Status: Unutilized
Reason: Within 2000 ft. of flammable or explosive material

Bldg. 2426
Laguna Shores Housing Area
Corpus Christi Co: Nueces TX 78419–
Landholding Agency: Navy
Property Number: 779010279
Status: Underutilized
Reason: Floodway

Bldg. 2432
Laguna Shores Housing Area
Corpus Christi Co: Nueces TX 78419–
Landholding Agency: Navy
Property Number: 779010280
Status: Underutilized
Reason: Floodway

Bldg. 2476
Laguna Shores Housing Area
Corpus Christi Co: Nueces TX 78419–
Landholding Agency: Navy
Property Number: 779010281
Status: Underutilized
Reason: Floodway

Bldg. 2498
Laguna Shores Housing Area
Corpus Christi Co: Nueces TX 78419–
Landholding Agency: Navy
Property Number: 779010282
Status: Underutilized
Reason: Floodway

Bldg. 2504
Laguna Shores Housing Area
Corpus Christi Co: Nueces TX 78419–
Landholding Agency: Navy
Property Number: 779010283
Status: Underutilized
Reason: Floodway

Bldg. 1730
Laguna Shores Housing Area
Corpus Christi Co: Nueces TX 78419–
Landholding Agency: Navy
Property Number: 779010284
Status: Underutilized
Reason: Floodway

Bldg. 2422
Laguna Shores Housing Area
Corpus Christi Co: Nueces TX 78419–
Landholding Agency: Navy
Property Number: 779010285
Status: Underutilized
Reason: Floodway

Bldg. 2425
Laguna Shores Housing Area
Corpus Christi Co: Nueces TX 78419–
Landholding Agency: Navy
Property Number: 779010286
Status: Underutilized
Reason: Floodway

Bldg. 2430
Laguna Shores Housing Area
Corpus Christi Co: Nueces TX 78419–
Landholding Agency: Navy
Property Number: 779010287
Status: Underutilized
Reason: Floodway

Bldg. 2434
Laguna Shores Housing Area
Corpus Christi Co: Nueces TX 78419–
Landholding Agency: Navy
Property Number: 779010288
Status: Underutilized
Reason: Floodway

Bldg. 2449
Laguna Shores Housing Area
Corpus Christi Co: Nueces TX 78419–
Landholding Agency: Navy
Property Number: 779010289
Status: Underutilized
Reason: Floodway

Bldg. 2450
Laguna Shores Housing Area
Corpus Christi Co: Nueces TX 78419–
Landholding Agency: Navy
Property Number: 779010290
Status: Underutilized
Reason: Floodway

Bldg. 2453
Laguna Shores Housing Area
Corpus Christi Co: Nueces TX 78419–
Landholding Agency: Navy
Property Number: 779010291
Status: Underutilized
Reason: Floodway

Bldg. 2455
Laguna Shores Housing Area
Corpus Christi Co: Nueces TX 78419–
Landholding Agency: Navy
Property Number: 779010292
Status: Underutilized
Reason: Floodway

Bldg. 2456
Laguna Shores Housing Area
Corpus Christi Co: Nueces TX 78419–
Landholding Agency: Navy
Property Number: 779010293
Status: Underutilized
Reason: Floodway

Bldg. 2463
Laguna Shores Housing Area
Corpus Christi Co: Nueces TX 78419–
Landholding Agency: Navy
Property Number: 779010294
Status: Underutilized
Reason: Floodway

Bldg. 2483
Laguna Shores Housing Area
Corpus Christi Co: Nueces TX 78419–
Landholding Agency: Navy
Property Number: 779010295
Status: Underutilized
Reason: Floodway

Bldg. 2516
Laguna Shores Housing Area
Corpus Christi Co: Nueces TX 78419–
Landholding Agency: Navy
Property Number: 779010296
Status: Underutilized
Reason: Floodway

Bldg. 2524
Laguna Shores Housing Area
Corpus Christi Co: Nueces TX 78419–
Landholding Agency: Navy
Property Number: 779010297
Status: Underutilized
Reason: Floodway

Bldg. 2528
Laguna Shores Housing Area
Corpus Christi Co: Nueces TX 78419–
Landholding Agency: Navy
Property Number: 779010298
Status: Underutilized
Reason: Floodway

Old Exchange Bldg.
U.S. Coast Guard
Galveston Co: Galveston TX 77553–3001
Landholding Agency: DOT
Property Number: 879310012
Status: Unutilized
Reason: Secured Area

Bldg WPB Building
Station Port Isabel
Coast Guard Station
South Padre Island Co: Cameron TX 78597–6497
Landholding Agency: DOT

Property Number: 879530002
Status: Unutilized
Reason: Floodway

Aton Shops Building
USCG Station Sabine
Sabine Co: Jefferson TX 77655–
Landholding Agency: DOT
Property Number: 879530003
Status: Unutilized
Reason: Secured Area, Within 2000 ft. of flammable or explosive material

WPB Storage Shed
USCG Station Sabine
Sabine Co: Jefferson TX 77655–
Landholding Agency: DOT
Property Number: 879530004
Status: Unutilized
Reason: Secured Area, Within 2000 ft. of flammable or explosive material

Flammable Storage Building
USCG Station Sabine
Sabine Co: Jefferson TX 77655–
Landholding Agency: DOT
Property Number: 879530005
Status: Unutilized
Reason: Secured Area, Within 2000 ft. of flammable or explosive material

Battery Storage Building
USCG Station Sabine
Sabine Co: Jefferson TX 77655–
Landholding Agency: DOT
Property Number: 879530006
Status: Unutilized
Reason: Secured Area, Within 2000 ft. of flammable or explosive material

Boat House
USCG Station Sabine
Sabine Co: Jefferson TX 77655–
Landholding Agency: DOT
Property Number: 879530007
Status: Unutilized
Reason: Secured Area, Within 2000 ft. of flammable or explosive material

Small Boat Pier
USCG Station Sabine
Sabine Co: Jefferson TX 77655–
Landholding Agency: DOT
Property Number: 879530008
Status: Unutilized
Reason: Secured Area, Within 2000 ft. of flammable or explosive material

Bldg. 108
Fort Crockett/43rd St. Housing
Galveston Co: Galveston TX 77553–
Landholding Agency: DOT
Property Number: 879630008
Status: Unutilized
Reason: Extensive deterioration

Bldg. 24
Olin E. Teague Veterans Center
1901 South 1st Street
Temple Co: Bell TX 76504–
Landholding Agency: VA
Property Number: 979010050
Status: Unutilized
Reason: Other
Comment: Friable asbestos

Bldg. 25
Olin E. Teague Veterans Center
1901 South 1st Street
Temple Co: Bell TX 76504–
Landholding Agency: 979010051
Status: Unutilized
Reason: Other
Comment: Friable asbestos

Bld. 26
Olin E. Teague Veterans Center
1901 South 1st Street
Temple Co: Bell Tx 76504–
Landholding Agency: VA
Property Number: 979010052
Status: Unutilized
Reason: Other
Comment: Friable asbestos

Utah

Bld. 789
Hill Air Force Base
(See County) Co: Davis UT 84056–
Landholding Agency: Air Force
Property Number: 189040859
Status: Unutilized
Reason: Within airport runway clear zone Secured Area

Vermont

Facility 100
Burlington IAP
Burlington Co: Chittenden VT 05403–5872
Landholding Agency: Air Force
Property Number: 189730008
Status: Excess
Reason: Within 2000 ft. of flammable or explosive material

Depot Street
Downtown at the Waterfront
Burlington Co: Chittenden VT 05401–5226
Landholding Agency: DOT
Property Number: 879220003
Status: Excess
Reason: Floodway

Virginia

Bldg. 417
Camp Pendleton
Virginia Beach VA 23451–
Landholding Agency: Air Force
Property Number: 189710003
Status: Unutilized
Reason: Extensive deterioration

Bldg. 418
Camp Pendleton
virginia Beach VA 23451–
Landholding Agency: Air Force
Property Number: 189710004
Status: Unutilized
Reason: Extensive deterioration

Bldg. 521
Norfolk Naval Shipyard
Portsmouth VA 23709–
Landholding Agency: Navy
Property Number: 779520039
Status: Unutilized
Reason: Within 2000 ft. of flammable or explosive material, Secured Area

Bldg. 444
Norfolk Naval Shipyard
Portsmouth VA 23709–5000
Landholding Agency: Navy
Property Number: 779620004
Status: Unutilized
Reason: Within 2000 ft. of flammable or explosive material, Secured Area

Bldg. 495
Norfolk Naval Shipyard
Portsmouth VA 23709–5000
Landholding Agency: Navy
Property Number: 779620007
Status: Unutilized
Reason: Within 2000 ft. of flammable or explosive material, Secured Area

Bldg. 1442
Norfolk Naval Shipyard
Portsmouth VA 23709–5000
Landholding Agency: Navy
Property Number: 779620010
Status: Unutilized
Reason: Within 2000 ft. of flammable or explosive material, Secured Area

Bldg. LP–20
Naval Air Station Norfolk
Norfolk VA
Landholding Agency: Navy
Property Number: 779630021
Status: Unutilized
Reason: Within 2000 ft. of flammable or explosive material

Bldg. LP–176
Naval Air Station Norfolk
Norfolk VA
Landholding Agency: Navy
Property Number: 779630022
Status: Unutilized
Reason: Within 2000 ft. of flammable or explosive material

Bldg. LP–177
Naval Air Station Norfolk
Norfolk VA
Landholding Agency: Navy
Property Number: 779630023
Status: Unutilized
Reason: Within 2000 ft. of flammable or explosive material

Bldg. 13
Naval Weapons Station, Yorktown Co: York VA 23691–
Landholding Agency: Navy
Property Number: 779630044
Status: Unutilized
Reason: Within 2000 ft. of flammable or explosive material, Secured Area, Extensive deterioration

Bldg. 18
Naval Weapons Station, Yorktown, Co: York VA 23691–
Landholding Agency: Navy
Property Number: 779630045
Status: Unutilized
Reason: Within 2000 ft. of flammable or explosive material, Secured Area, Extensive deterioration

Bldg. 19
Naval Weapons Station, Yorktown, Co: York VA 23691–
Landholding Agency: Navy
Property Number: 779630046
Status: Unutilized
Reason: Within 2000 ft. of flammable or explosive material, Secured Area, Extensive deterioration

Bldg. 118
Naval Weapons Station, Yorktown, Co: York VA 23691–
Landholding Agency: Navy
Property Number: 779630048
Status: Unutilized
Reason: Within 2000 ft. of flammable or explosive material, Secured Area, Extensive deterioration

Bldg. 301
Naval Weapons Station, Yorktown, Co: York VA 23691–
Landholding Agency: Navy
Property Number: 779630049
Status: Unutilized

Reason: Within 2000 ft. of flammable or explosive material, Secured Area, Extensive deterioration

Bldg. 358
Naval Weapons Station, Yorktown, Co: York VA 23691–
Landholding Agency: Navy
Property Number: 779630051
Status: Unutilized
Reason: Within 2000 ft. of flammable or explosive material, Secured Area, Extensive deterioration

Bldg. 361
Naval Weapons Station, Yorktown Co: York VA 23691–
Landholding Agency: Navy
Property Number: 779630052
Status: Unutilized
Reason: Within 2000 ft. of flammable or explosive material, Secured Area, Extensive deterioration

Bldg. 369
Naval Weapons Station, Yorktown, Co: York VA 23691–
Landholding Agency: Navy
Property Number: 779630053
Status: Unutilized
Reason: Within 2000 ft. of flammable or explosive material, Secured Area, Extensive deterioration

Bldg. 387
Naval Weapons Station, Yorktown Co: York VA 23691–
Landholding Agency: Navy
Property Number: 779630054
Status: Unutilized
Reason: Within 2000 ft. of flammable or explosive material, Secured Area, Extensive deterioration

Bldg. 446
Naval Weapons Station, Yorktown Co: York VA 23691–
Landholding Agency: Navy
Property Number: 779630055
Status: Unutilized
Reason: Within 2000 ft. of flammable or explosive material, Secured Area, Extensive deterioration

Bldg. 472
Naval Weapons Station, Yorktown, Co: York VA 23691–
Landholding Agency: Navy
Property Number: 779630056
Status: Unutilized
Reason: Within 2000 ft. of flammable or explosive material, Secured Area, Extensive deterioration

Bldg. 579
Naval Weapons Station, Yorktown Co: York VA 23691–
Landholding Agency: Navy
Property Number: 779630059
Status: Unutilized
Reason: Within 2000 ft. of flammable or explosive material, Secured Area, Extensive deterioration

Bldg. 584
Naval Weapons Station, Yorktown Co: York VA 23691–
Landholding Agency: Navy
Property Number: 779630060
Status: Unutilized
Reason: Within 2000 ft. of flammable or explosive material, Secured Area, Extensive deterioration

Bldg. 587
Naval Weapons Station, Yorktown Co: York VA 23691–
Landholding Agency: Navy
Property Number: 779630061
Status: Unutilized
Reason: Within 2000 ft. of flammable or explosive material, Secured Area, Extensive deterioration

Bldg. 612
Naval Weapons Station, Yorktown Co: York VA 23691–
Landholding Agency: Navy
Property Number: 779630062
Status: Unutilized
Reason: Within 2000 ft. of flammable or explosive material, Secured Area, Extensive deterioration

Bldg. 639
Naval Weapons Station, Yorktown Co: York VA 23691–
Landholding Agency: Navy
Property Number: 779630063
Status: Unutilized
Reason: Within 2000 ft. of flammable or explosive material, Secured Area, Extensive deterioration

Bldg. 757
Naval Weapons Station, Yorktown Co: York VA 23691–
Landholding Agency: Navy
Property Number: 779630064
Status: Unutilized
Reason: Within 2000 ft. of flammable or explosive material, Secured Area, Extensive deterioration

Bldg. 758
Naval Weapons Station, Yorktown Co: York VA 23691–
Landholding Agency: Navy
Property Number: 779630065
Status: Unutilized
Reason: Within 2000 ft. of flammable or explosive material, Secured Area, Extensive deterioration

Bldg. 765
Naval Weapons Station, Yorktown Co: York VA 23691–
Landholding Agency: Navy
Property Number: 779630066
Status: Unutilized
Reason: Within 2000 ft. of flammable or explosive material, Secured Area, Extensive deterioration

Bldg. 792
Naval Weapons Station, Yorktown Co: York VA 23691–
Landholding Agency: Navy
Property Number: 779630067
Status: Unutilized
Reason: Within 2000 ft. of flammable or explosive material, Secured Area, Extensive deterioration

Bldg. 1245
Naval Weapons Station, Yorktown Co: York VA 23691–
Landholding Agency: Navy
Property Number: 779630068
Status: Unutilized
Reason: Within 2000 ft. of flammable or explosive material, Secured Area, Extensive deterioration

Bldg. 1447
Naval Weapons Station, Yorktown Co: York VA 23691–
Landholding Agency: Navy
Property Number: 779630070
Status: Unutilized
Reason: Within 2000 ft. of flammable or explosive material, Secured Area, Extensive deterioration

Bldg. 1904
Naval Weapons Station, Yorktown Co: York VA 23691–
Landholding Agency: Navy
Property Number: 779630075
Status: Unutilized
Reason: Within 2000 ft. of flammable or explosive material, Secured Area, Extensive deterioration

Bldg. 1603
Naval Weapons Station, Yorktown Co: York VA 23691–
Landholding Agency: Navy
Property Number: 779630076
Status: Unutilized
Reason: Within 2000 ft. of flammable or explosive material, Secured Area, Extensive deterioration

Bldg. 235
Norfolk Naval Shipyard
Portsmouth VA 23709–
Landholding Agency: Navy
Property Number: 779640002
Status: Excess
Reason: Within 2000 ft. of flammable or explosive material, Floodway, Secured Area, Extensive deterioration

Bldg. 657
Naval Weapons Station
Yorktown Co: York VA 23691–
Landholding Agency: Navy
Property Number: 779640003
Status: Excess
Reason: Secured Area, Extensive deterioration

Bldg. 380A
Naval Weapons Station
Yorktown Co: York VA 23691–
Landholding Agency: Navy
Property Number: 779640004
Status: Excess
Reason: Secured Area

Bldg. 1980
Naval Weapons Station—Aviation Field
Yorktown Co: York VA 23691–
Landholding Agency: Navy
Property Number: 779640017
Status: Unutilized
Reason: Within 2000 ft. of flammable or explosive material, Secured Area

Bldg. 55
Naval Base Norfolk, St. Julien's Creek Annex
Co: Chesapeake VA
Landholding Agency: Navy
Property Number: 779710059
Status: Excess
Reason: Extensive deterioration

Bldg. 56
Naval Base Norfolk, St. Julien's Creek Annex
Co: Chesapeake VA
Landholding Agency: Navy
Property Number: 779710060
Status: Excess
Reason: Extensive deterioration

Bldg. 130
Naval Base Norfolk, St. Julien's Creek Annex
Co: Chesapeake VA
Landholding Agency: Navy

Property Number: 779710061
Status: Excess
Reason: Extensive deterioration

Bldg. 240
Naval Base Norfolk, St. Julien's Creek Annex
Co: Chesapeake VA
Landholding Agency: Navy
Property Number: 779710062
Status: Excess
Reason: Extensive deterioration

Bldg. 501
Norfolk Naval Shipyard
Portsmouth VA 23709–5000
Landholding Agency: Navy
Property Number: 779720011
Status: Excess
Reason: Within 2000 ft. of flammable or explosive material, Secured Area, Extensive deterioration

Bldg. 1258
Norfolk Naval Shipyard
Portsmouth VA 23709–5000
Landholding Agency: Navy
Property Number: 779720012
Status: Excess
Reason: Within 2000 ft. of flammable or explosive material, Secured Area, Extensive deterioration

Bldg. 1441
Norfolk Naval Shipyard
Portsmouth VA 23709–5000
Landholding Agency: Navy
Property Number: 779720013
Status: Excess
Reason: Within 2000 ft. of flammable or explosive material, Secured Area, Extensive deterioration

Bldg. E25
Naval Base Norfolk
Norfolk VA 23511–
Landholding Agency: Navy
Property Number: 779720017
Status: Excess
Reason: Within 2000 ft. of flammable or explosive material

Bldg. L38
Naval Base Norfolk
Norfolk VA 23511–
Landholding Agency: Navy
Property Number: 779720018
Status: Excess
Reason: Within 2000 ft. of flammable or explosive material

Bldg. A67
Naval Base Norfolk
Norfolk VA 23511–
Landholding Agency: Navy
Property Number: 779720019
Status: Excess
Reason: Within 2000 ft. of flammable or explosive material

Bldg. Z86
Naval Base Norfolk
Norfolk VA 23511–
Landholding Agency: Navy
Property Number: 779720020
Status: Excess
Reason: Within 2000 ft. of flammable or explosive material

Bldg. P87
Naval Base Norfolk
Norfolk VA 23511–
Landholding Agency: Navy
Property Number: 779720021
Status: Excess
Reason: Within 2000 ft. of flammable or explosive material

Bldg. CEP160
Naval Base Norfolk
Norfolk VA 23511–
Landholding Agency: Navy
Property Number: 779720022
Status: Excess
Reason: Within 2000 ft. of flammable or explosive material

Bldg. Z357
Naval Base Norfolk
Norfolk VA 23511–
Landholding Agency: Navy
Property Number: 779720023
Status: Excess
Reason: Within 2000 ft. of flammable or explosive material

Bldg. 423
Norfolk Naval Shipyard
Portsmouth VA 23709–5000
Landholding Agency: Navy
Property Number: 779720051
Status: Unutilized
Reason: Within 2000 ft. of flammable or explosive material, Secured Area, Extensive deterioration

Bldg. 540
Norfolk Naval Shipyard
Portsmouth VA 23709–5000
Landholding Agency: Navy
Property Number: 779720052
Status: Unutilized
Reason: Within 2000 ft. of flammable or explosive material, Secured Area, Extensive deterioration

Bldg. 546
Norfolk Naval Shipyard
Portsmouth VA 23709–5000
Landholding Agency: Navy
Property Number: 779720053
Status: Unutilized
Reason: Within 2000 ft. of flammable or explosive material, Secured Area, Extensive deterioration

Bldg. 1231
Naval Amphibious Base Little Creek
Norfolk VA 23521–2616
Landholding Agency: Navy
Property Number: 779720066
Status: Excess
Reason: Extensive deterioration

Bldg. 1512
Naval Amphibious Base Little Creek
Norfolk VA 23521–2616
Landholding Agency: Navy
Property Number: 779720067
Status: Excess
Reason: Extensive deterioration

Bldg. 1513
Naval Amphibious Base Little Creek
Norfolk VA 23521–2616
Landholding Agency: Navy
Property Number: 779720068
Status: Excess
Reason: Extensive deterioration

Bldg. 1603
Naval Amphibious Base Little Creek
Norfolk VA 23521–2616
Landholding Agency: Navy
Property Number: 779720069
Status: Excess
Reason: Extensive deterioration

Bldg. 2008
Naval Amphibious Base Little Creek
Norfolk VA 23521–2616
Landholding Agency: Navy
Property Number: 779720070
Status: Excess
Reason: Extensive deterioration

Bldg. 2018A
Naval Amphibious Base Little Creek
Norfolk VA 23521–2616
Landholding Agency: Navy
Property Number: 779720071
Status: Unutilized
Reason: Extensive deterioration

Bldg. 2025
Naval Amphibious Base Little Creek
Norfolk VA 23521–2616
Landholding Agency: Navy
Property Number: 779720072
Status: Excess
Reason: Extensive deterioration

Bldg. 2028
Naval Amphibious Base Little Creek
Norfolk VA 23521–2616
Landholding Agency: Navy
Property Number: 779720073
Status: Excess
Reason: Extensive deterioration

Bldg. 2061
Naval Amphibious Base Little Creek
Norfolk VA 23521–2616
Landholding Agency: Navy
Property Number: 779720074
Status: Excess
Reason: Extensive deterioration

Bldg. 2074
Naval Amphibious Base Little Creek
Norfolk VA 23521–2616
Landholding Agency: Navy
Property Number: 779720075
Status: Excess
Reason: Extensive deterioration

Bldg. 2090
Naval Amphibious Base Little Creek
Norfolk VA 23521–2616
Landholding Agency: Navy
Property Number: 779720076
Status: Excess
Reason: Extensive deterioration

Bldg. 3128
Naval Amphibious Base Little Creek
Norfolk VA 23521–2616
Landholding Agency: Navy
Property Number: 779720077
Status: Excess
Reason: Extensive deterioration

Bldg. 3529
Naval Amphibious Base Little Creek
Norfolk VA 23521–2616
Landholding Agency: Navy
Property Number: 779720078
Status: Excess
Reason: Extensive deterioration

Bldg. CB201A
Naval Amphibious Base Little Creek
Norfolk VA 23521–2616
Landholding Agency: Navy
Property Number: 779720079
Status: Excess
Reason: Extensive deterioration

Bldg. CB202
Naval Amphibious Base Little Creek
Norfolk VA 23521–2616
Landholding Agency: Navy

Property Number: 779720080
Status: Excess
Reason: Extensive deteriroation

Bldg. BC203
Naval Amphibious Base Little Creek
Norfolk VA 23521–2616
Landholding Agency: Navy
Property Number: 779720081
Status: Excess
Reason: Extensive deteriroation

Bldg. CB207
Naval Amphibious Base Little Creek
Norfolk VA 23521–2616
Landholding Agency: Navy
Property Number: 779720082
Status: Excess
Reason: Extensive deterioration

Bldg. Q137
Naval Amphibious Base Little Creek
Norfolk VA 23521–2616
Landholding Agency: Navy
Property Number: 779720083
Status: Excess
Reason: Extensive deterioration

Bldg. LP–23
Naval Base Norfolk
Norfolk VA 23511–
Landholding Agency: Navy
Property Number: 779720090
Status: Unutilized
Reason: Within 2000 ft. of flammable or explosive material, Within airport runway clear zone

Bldg. LP–181
Naval Base Norfolk
Norfolk VA 23511–
Landholding Agency: Navy
Property Number: 779720091
Status: Unutilized
Reason: Within 2000 ft. of flammable or explosive material, Within airport runway clear zone, Secured Area

Bldg. LP–183
Naval Base Norfolk
Norfolk VA 23511–
Landholding Agency: Navy
Property Number: 779720092
Status: Unutilized
Reason: Within 2000 ft. of flammable or explosive material, Within airport runway clear zone, Secured Area

Bldg. LP–211
Naval Base Norfolk
Norfolk VA 23511–
Landholding Agency: Navy
Property Number: 779720093
Status: Unutilized
Reason: Within 2000 ft. of flammable or explosive material, Within airport runway clear zone

Bldg. SP–249
Naval Base Norfolk
Norfolk VA 23511–
Landholding Agency: Navy
Property Number: 779720094
Status: Unutilized
Reason: Extensive deterioration

Bldg. SP–129
Naval Base Norfolk
Norfolk VA 23511–
Landholding Agency: Navy
Property Number: 779720095
Status: Unutilized
Reason: Extensive deterioration

Bldg. R–46
Naval Base Norfolk
Norfolk VA 23511–
Landholding Agency: Navy
Property Number: 779720096
Status: Unutilized
Reason: Extensive deterioration

Bldg. R–47
Naval Base Norfolk
Norfolk VA 23511–
Landholding Agency: Navy
Property Number: 779720097
Status: Unutilized
Reason: Extensive deterioration

Bldg. R–48
Naval Base Norfolk
Norfolk VA 23511–
Landholding Agency: Navy
Property Number: 779720098
Status: Unutilized
Reason: Extensive deterioration

Bldg. R–50
Naval Base Norfolk
Norfolk VA 23511–
Landholding Agency: Navy
Property Number: 779720099
Status: Unutilized
Reason: Extensive deterioration

Bldg. R–52
Naval Base Norfolk
Norfolk VA 23511–
Landholding Agency: Navy
Property Number: 799720100
Status: Unutilized
Reason: Extensive deterioration

Bldg. 227
Norfolk Naval Shipyard
Portsmouth VA 23709–5000
Landholding Agency: Navy
Property Number: 779720101
Status: Unutilized
Reason: Within 2000 ft. of flammable or explosive material, Secured Area, Extensive deterioration

Bldg. 379
Norfolk Naval Shipyard
Portsmouth VA 23709–5000
Landholding Agency: Navy
Property Number: 779720102
Status: Unutilized
Reason: Within 2000 ft. of flammable or explosive material, Secured Area, Extensive deterioration

Bldg. 542
Norfolk Naval Shipyard
Portsmouth VA 23709–5000
Landholding Agency: Navy
Property Number: 779720103
Status: Unutilized
Reason: Within 2000 ft. of flammable or explosive material, Secured Area, Extensive deterioration

Bldg. 834
Norfolk Naval Shipyard
Portsmouth VA 23709–5000
Landholding Agency: Navy
Property Number: 779720104
Status: Unutilized
Reason: Within 2000 ft. of flammable or explosive material, Secured Area, Extensive deterioration

Bldg. 1571
Norfolk Naval Shipyard
Portsmouth VA 23709–5000
Landholding Agency: Navy
Property Number: 779720105
Status: Unutilized
Reason: Within 2000 ft. of flammable or explosive material, Secured Area, Extensive deterioration

Bldg. 22
Naval Amphibious Base Little Creek
Norfolk VA 23521–2616
Landholding Agency: Navy
Property Number: 779730027
Status: Excess
Reason: Extensive deterioration

Bldg. 125
Naval Amphibious Base Little Creek
Norfolk VA 23521–2616
Landholding Agency: Navy
Property Number: 779730028
Status: Excess
Reason: Extensive deterioration

Bldg. 1124
Naval Amphibious Base Little Creek
Norfolk VA 23521–2616
Landholding Agency: Navy
Property Number: 779730029
Status: Excess
Reason: Extensive deterioration

Bldg. 1125
Naval Amphibious Base Little Creek
Norfolk VA 23521–2616
Landholding Agency: Navy
Property Number: 779730030
Status: Excess
Reason: Extensive deterioration

Bldg. 1128
Naval Amphibious Base Little Creek
Norfolk VA 23521–2616
Landholding Agency: Navy
Property Number: 779730031
Status: Excess
Reason: Extensive deterioration

Bldg. 1129
Naval Amphibious Base Little Creek
Norfolk VA 23521–2616
Landholding Agency: Navy
Property Number: 779730032
Status: Excess
Reason: Extensive deterioration

Bldg. 1130
Naval Amphibious Base Little Creek
Norfolk VA 23521–2616
Landholding Agency: Navy
Property Number: 779730033
Status: Excess
Reason: Extensive deterioration

Bldg. 3133
Naval Amphibious Base Little Creek
Norfolk VA 23521–2616
Landholding Agency: Navy
Property Number: 779730034
Status: Excess
Reason: Extensive deterioration

Bldg. 3691
Naval Amphibious Base Little Creek
Norfolk VA 23521–2616
Landholding Agency: Navy
Property Number: 779730035
Status: Excess
Reason: Extensive deterioration

Bldg. 3698
Naval Amphibious Base Little Creek
Norfolk VA 23521–2616
Landholding Agency: Navy
Property Number: 779730036

Status: Excess
Reason: Extensive deterioration

Bldg. 3809
Naval Amphibious Base Little Creek
Norfolk VA 23521–2616
Landholding Agency: Navy
Property Number: 779730037
Status: Excess
Reason: Extensive deterioration

Bldg. W112
Naval Amphibious Base Little Creek
Norfolk VA 23521–2616
Landholding Agency: Navy
Property Number: 779730038
Status: Excess
Reason: Extensive deterioration

Bldg. CEP154
Naval Base Norfolk
Norfolk VA 23511
Landholding Agency: Navy
Property Number: 779730044
Status: Excess
Reason: Extensive deterioration

Bldg. 96
Naval Base Norfolk
Norfolk VA 23511–
Landholding Agency: Navy
Property Number: 779730045
Status: Excess
Reason: Extensive deterioration

Bldg. SP–49
Naval Base Norfolk
Norfolk VA 23511–
Landholding Agency: Navy
Property Number: 779730054
Status: Excess
Reason: Extensive deterioration

Bldg. SP–50
Naval Base Norfolk
Norfolk VA 23511–
Landholding Agency: Navy
Property Number: 779730055
Status: Excess
Reason: Extensive deterioration

Bldg. SP–87
Naval Base Norfolk
Norfolk VA 23511–
Landholding Agency: Navy
Property Number: 779730056
Status: Excess
Reason: Extensive deterioration

Bldg. V–58
Naval Base Norfolk
Norfolk VA 23511–
Landholding Agency: Navy
Property Number: 779730057
Status: Excess
Reason: Extensive deterioration

Bldg. NM–73
Naval Base Norfolk
Norfolk VA 23511–
Landholding Agency: Navy
Property Number: 779730058
Status: Excess
Reason: Extensive deterioration

Bldg. V–4
Naval Base Norfolk
Norfolk VA 23511–
Landholding Agency: Navy
Property Number: 779730059
Status: Excess
Reason: Extensive deterioration

Bldg. V–28
Naval Base Norfolk
Norfolk VA 23511–
Landholding Agency: Navy
Property Number: 779730060
Status: Excess
Reason: Extensive deterioration

Bldg. SP–86
Naval Base Norfolk
Norfolk VA 23511–
Landholding Agency: Navy
Property Number: 779730061
Status: Excess
Reason: Extensive deterioration

Bldg. 236
St. Juliens Creek Annex
Naval Base Norfolk
Portsmouth VA 23702–
Landholding Agency: Navy
Property Number: 779730063
Status: Excess
Reason: Extensive deterioration

Bldg. 052 & Tennis Court
USCG Reserve Training Center
Yorktown Co: York VA 23690–
Landholding Agency: DOT
Property Number: 879230004
Status: Excess
Reason: Secured Area

Admin. Bldg.
Coast Guard, Group Eastern Shores
Chincoteague Co: Accomack VA 22361–510
Landholding Agency: DOT
Property Number: 879240014
Status: Unutilized
Reason: Secured Area

Little Creek Station
Navamphib Base, West Annex, U.S. Coast Guard
Norfolk Co: Princess Anne VA 23520–
Landholding Agency: DOT
Property Number: 879310004
Status: Unutilized
Reason: Secured Area

Operations Bldg.
U.S. Coast Guard Group Hampton Roads
Portsmouth VA 23703–
Landholding Agency: DOT
Property Number: 879710003
Status: Unutilized
Reason: Secured Area

Washington

Bldg. 100, Geiger Heights
Grove and Hallet Streets
Fairchild AFB Co: Spokane WA 99204–
Landholding Agency: Air Force
Property Number: 189210004
Status: Unutilized
Reason: Extensive deterioration

Bldg. 2000
Fairchild Air Force Base
Fairchild AFB Co: Spokane WA 99011–
Landholding Agency: Air Force
Property Number: 189310058
Status: Unutilized
Reason: Secured Area, Within 2000 ft. of flammable or explosive material

Bldg. 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. 913
Naval Undersea Warfare Center
Keyport Co: Kitsap WA 98345–7610
Landholding Agency: Navy
Property Number: 779720014
Status: Unutilized
Reason: With 2000 ft. of flammable or explosive material, Secured Area, Extensive deterioration

Bldg. 6661
Naval Submarine Base, Bangor
Silverdale Co: Kitsap WA 98315–6499
Landholding Agency: Navy
Property Number: 779730039
Status: Unutilized
Reason: Secured Area

Bldg. 1635
Naval Submarine Base, Bangor
Silverdale Co: Kitsap WA 98315–1199
Landholding Agency: Navy
Property Number: 779730040
Status: Unutilized
Reason: Secured Area, Extensive deterioration

Bldg. 7457
Naval Submarine Base, Bangor
Silverdale Co: Kitsap WA 98315–1199
Landholding Agency: Navy
Property Number: 779730041
Status: Unutilized
Reason: Secured Area, Extensive deterioration

Pistol Range Bldg
USCG Port Angeles
Port Angeles Co: Clallam WA 98362–0159
Landholding Agency: DOT
Property Number: 879630030
Status: Unutilized
Reason: Within airport runway clear zone, Secured Area, Extensive deterioration

Wisconsin

Rawley Point Light
Two Rivers Co: Mainitowoc WI
Landholding Agency: DOT
Property Number: 879540004
Status: Unutilized
Reason: Secured Area, Extensive deterioration

Wyoming

Bldg. 31
F.E. Warren Air Force Base
Cheyenne Co: Laramie WY 82005–
Landholding Agency: Air Force
Property Number: 189010198
Status: Unutilized
Reason: Secured Area

Bldg. 34
F.E. Warren Air Force Base
Cheyenne Co: Laramie WY 82005–
Landholding Agency: Air Force
Property Number: 189010199
Status: Unutilized
Reason: Secured Area

Bldg. 37
F.E. Warren Air Force Base
Cheyenne Co: Laramie WY 82005–
Landholding Agency: Air Force
Property Number: 189010200

Status: Unutilized
Reason: Secured Area

Bldg. 284
F.E. Warren Air Force Base
Cheyenne Co: Laramie WY 82005–
Landholding Agency: Air Force
Property Number: 189010201
Status: Unutilized
Reason: Secured Area

Bldg. 385
F.E. Warren Air Force Base
Cheyenne Co: Laramie WY 82005–
Landholding Agency: Air Force
Property Number: 189010202
Status: Unutilized
Reason: Secured Area

Bldg. 2780
Warren Air Force Base
Cheyenne Co: Laramie WY 82005–5000
Landholding Agency: Air Force
Property Number: 189240005
Status: Unutilized
Reason: Secured Area

Bldg. 2781
Warren Air Force Base
Cheyenne Co: Laramie WY 82005–5000
Landholding Agency: Air Force
Property Number: 189240006
Status: Unutilized
Reason: Secured Area

Bldg. 386
F.E. Warren AFB
Cheyenne Co: Laramie WY 82005–5000
Landholding Agency: Air Force
Property Number: 189620021
Status: Unutilized
Reason: Secured Area

Bldg. 831
F.E. Warren AFB
Cheyenne Co: Laramie WY 82005–5000
Landholding Agency: Air Force
Property Number: 189620022
Status: Unutilized
Reason: Secured Area

Bldg. 832
F.E. Warren AFB
Cheyenne Co: Laramie WY 82005–5000
Landholding Agency: Air Force
Property Number: 189620023
Status: Unutilized
Reason: Secured Area

Bldg. 833
F.E. Warren AFB
Cheyenne Co: Laramie WY 82005–5000
Landholding Agency: Air Force
Property Number: 189620024
Status: Unutilized
Reason: Secured Area

Bldg. 920, F.E. Warren AFB
Cheyenne Co: Laramie WY 82005–5000
Landholding Agency: Air Force
Property Number: 189640016
Status: Unutilized
Reason: Secured Area

Bldgs. 2565–2571
F.E. Warren AFB
Cheyenne Co: Laramie WY 82005–5000
Landholding Agency: Air Force
Property Number: 189720001
Status: Unutilized
Reason: Secured Area, Extensive deterioration

Bldgs. 2564, 2572
F.E. Warren AFB
Cheyenne Co: Laramie WY 82005–5000
Landholding Agency: Air Force
Property Number: 189720002
Status: Unutilized
Reason: Secured Area, Extensive deterioration

9 Bldgs.
F.E. Warren AFB
2982–2986, 2989, 2991, 2994–2995
Cheyenne Co: Laramie WY 82005–5000
Landholding Agency: Air Force
Property Number: 189720003
Status: Unutilized
Reason: Secured Area, Extensive deterioration

6 Bldgs.
F.E. Warren AFB
2768, 2772, 2773, 2993, 2980, 2988
Cheyenne Co: Laramie WY 82005–5000
Landholding Agency: Air Force
Property Number: 189720004
Status: Unutilized
Reason: Secured Area, Extensive deterioration

8 Bldgs.
F.E. Warren AFB
2784, 2762–2764, 2769, 2775, 2777, 2981
Cheyenne Co: Laramie WY 82005–5000
Landholding Agency: Air Force
Property Number: 189720005
Status: Unutilized
Reason: Secured Area, Extensive deterioration

8 Bldgs.
F.E. Warren AFB
2785–2786, 2770–2771, 2774, 2776, 2990, 2992
Cheyenne Co: Laramie WY 82005–5000
Landholding Agency: Air Force
Property Number: 189720006
Status: Unutilized
Reason: Secured Area, Extensive deterioration

Bldg. 95
Medical Center
N.W. of town at the end of Fort Road
Sheridan Co: Sheridan WY 82801–
Landholding Agency: VA
Property Number: 979110004
Status: Unutilized
Reason: Other
Comment: Sewage digester for disposal plant

Bldg. 96
Medical Center
N.W. of town at end of Fort Road
Sheridan Co: Sheridan WY 82801–
Landholding Agency: VA
Property Number: 979110005
Status: Unutilized
Reason: Other
Comment: Pump house for sewage disposal plant

Structure 99
Medical Center
N.W. of town at end of Fort Road
Sheridan Co: Sheridan WY 82801–
Landholding Agency: VA
Property Number: 979110006
Status: Unutilized
Reason: Other
Comment: Mechanical screen for sewage disposal plant

Structure 100
Medical Center
N.W. of town at end of Fort Road
Sheridan Co: Sheridan WY 82801–
Landholding Agency: VA
Property Number: 979110007
Status: Unutilized
Reason: Other
Comment: Dosing tank for sewage disposal plant

Structure 101
Medical Center
N.W. of town at end of Fort Road
Sheridan Co: Sheridan WY 82801–
Landholding Agency: VA
Property Number: 979110008
Status: Unutilized
Reason: Other
Comment: Chlorination chamber for sewage disposal plant

Bldg. 97, Medical Center
Sheridan Co: Sheridan WY 82801–
Landholding Agency: VA
Property Number: 979410011
Status: Unutilized
Reason: Other
Comment: Sewage disposal plant

Structure 98, Medical Center
Sheridan Co: Sheridan WY 82801–
Landholding Agency: VA
Property Number: 979410012
Status: Unutilized
Reason: Other
Comment: Sludge bed/sewage disposal plant

Land (by State)

Alaska

Campion Air Force Station
21 CSG/DEER
Elmendorf AFB Co: Anchorage AK 99506–5000
Landholding Agency: Air Force
Property Number: 189010430
Status: Unutilized
Reason: Other, Isolated area, Not accessible by road
Comment: Isolated and remote area; Arctic environment

Lake Louise Recreation
21 CSG–DEER
Elmendorf AFB Co: Anchorage AK 99506–5000
Landholding Agency: Air Force
Property Number: 189010431
Status: Unutilized
Reason: Other, Isolated area, Not accessible by road
Comment: Isolated and remote area; Arctic coast

Nikolski Radio Relay Site
21 CSG/DEER
Elmendorf AFB Co: Anchorage AK 99506–5000
Landholding Agency: Air Force
Property Number: 189010432
Status: Unutilized
Reason: Other, Isolated area, Not accessible by road
Comment: Isolated and remote area; Arctic coast

Russian Creek Aggregate Site
USCG Support Center Kodiak
Kodiak Co: Kodiak AK 99619–
Landholding Agency: DOT
Property Number: 879440025
Status: Excess

Reason: Floodway

Sargent Creek Aggregate Site
USCG Support Center Kodiak
Kodiak Co: Kodiak AK 99619–
Landholding Agency: DOT
Property Number: 879440026
Status: Excess
Reason: Floodway

Land—Sanak Island
106+acres
Sanak Island Co: Sanak Harbor AK
Landholding Agency: DOT
Property Number: 879640003
Status: Unutilized
Reason: Other
Comment: Inaccessible

Arizona

Santa Fe Pacific Pipelines
Avenue 7E North from Hwy. 95
Yma Co: Yuma AZ 85364–
Landholding Agency: Interior
Property Number: 619420003
Status: Unutilized
Reason: Secured Area

Case No. 95–019—Surplus Land
Dale Anderson (Farnsworth)
Mesa Co: Maricopa AZ 85220–
Landholding Agency: Interior
Property Number: 619610001
Status: Excess
Reason: Other
Comment: Inaccessible

ARCO Surplus Land
20-foot strip, 53rd Ave.
Phoenix Co: Maricopa AZ 85043–
Landholding Agency: Interior
Property Number: 619620001
Status: Unutilized
Reason: Within 2000 ft. of flammable or explosive material, Secured Area

58 acres
VA Medical Center
500 Highway 89 North
Prescott Co: Yavapai AZ 86313–
Landholding Agency: VA
Property Number: 970630001
Status: Unutilized
Reason: Floodway

20 acres
VA Medical Center
500 Highway 89 North
Prescott Co: Yavapai AZ 86313–
Landholding Agency: VA
Property Number: 970630002
Status: Underutilized
Reason: Floodway

California

Naval Air Station, Miramar
San Diego Co: San Diego CA 92145–5005
Landholding Agency: Navy
Property Number: 779440026
Status: Underutilized
Reason: Within airport runway clear zone, Other
Comment: Inaccessible

Lease Parcel #2
Naval Construction Battalion Center
Port Hueneme Co: Ventura CA 93043–4301
Landholding Agency: Navy
Property Number: 779610004
Status: Underutilized
Reason: Secured Area

N. 1/2 of lease Parcel #3
Naval Construction Battalion Center
Port Hueneme Co: Ventura CA 93043–4301
Landholding Agency: Navy
Property Number: 779610005
Status: Underutilized
Reason: Secured Area

Lease Parcel #4
Naval Construction Battalion Center
Port Hueneme Co: Ventura CA 93043–4301
Landholding Agency: Navy
Property Number: 779610006
Status: Underutilized
Reason: Secured Area

Lease Parcel #6
Naval Construction Battalion Center
Port Hueneme Co: Ventura CA 93043–4301
Landholding Agency: Navy
Property Number: 779610007
Status: Underutilized
Reason: Secured Area

Lease Parcel #7
Naval Construction Battalion Center
Port Hueneme Co: Ventura CA 93043–4301
Landholding Agency: Navy
Property Number: 779610008
Status: Underutilized
Reason: Secured Area

Lease Parcel #8
Naval Construction Battalion Center
Port Hueneme Co: Ventura CA 93043–4301
Landholding Agency: Navy
Property Number: 779610009
Status: Underutilized
Reason: Secured Area

Lease Parcel #9
Naval Construction Battalion Center
Port Hueneme Co: Ventura CA 93043–4301
Landholding Agency: Navy
Property Number: 779610010
Status: Underutilized
Reason: Secured Area

Lease Parcel #10
Naval Construction Battalion Center
Port Hueneme Co: Ventura CA 93043–4301
Landholding Agency: Navy
Property Number: 779610011
Status: Underutilized
Reason: Secured Area

Lease Parcel #11
Naval Construction Battalion Center
Port Hueneme Co: Ventura CA 93043–4301
Landholding Agency: Navy
Property Number: 779610012
Status: Underutilized
Reason: Secured Area

DVA Medical Center
4951 Arroyo Road
Livermore Co: Alameda CA 94550–
Landholding Agency: VA
Property Number: 979010023
Status: Unutilized
Reason: Other
Comment: 750,000 gallon water reservoir

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

Boca Chica Field
Naval Air Station
Key West Co: Monroe FL 23040–
Landholding Agency: Navy
Property Number: 779010097
Status: Unutilized
Reason: Floodway

East Martello Battery #2
Naval Air Station
Key West Co: Monroe FL 33040–
Landholding Agency: Navy
Property Number: 779010275
Status: Excess
Reason: Within airport runway clear zone

Land—approx. 220 acres
Cape San Blas
Port St. Joe Co: Gulf FL
Landholding Agency: DOT
Property Number: 879440018
Status: Underutilized
Reason: Secured Area, Floodway

Wildlife Sanctuary, VAMC
10,000 Bay Pines Blvd.
Bay Pines Co: Pinellas FL 33504–
Landholding Agency: VA
Property Number: 979230004
Status: Underutilized
Reason: Other
Comment: Inaccessible

Georgia

Naval Submarine Base
Grid G–5 to G–10 to Q–6 to P–2
Kings Bay Co: Camden GA 31547–
Landholding Agency: Navy
Property Number: 779010228
Status: Underutilized
Reason: Secured Area

Idaho

Zamzow Sidewalk Sale
0.5 acres
Boise Co: Ada ID 83705–
Landholding Agency: Interior
Property Number: 619630001
Status: Unutilized
Reason: Within 2000 ft. of flammable or explosive material

Maine

37 Acres, Topsham Annex
Naval Air Station
Brunswick ME 04011–
Landholding Agency: Navy
Property number: 779720001
Status: Unutilized
Reason: Secured Area

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

5,635 sq. ft. of Land
Solomon's Annex
Solomon's MD
Landholding Agency: Navy
Property Number: 779230001
Status: Excess
Reason: Other
Comment: Drainage Ditch

Michigan

Middle Marker Facility
Yipsilanti Co: Washtenaw MI 48198–

Location: 549 ft. north of intersection of Coolidge and Bradley Ave. on East side of street
Landholding Agency: DOT
Property Number: 879120006
Status: Unutilized
Reason: Within airport runway clear zone

Minnesota

VAMC
VA Medical Center
4801 8th Street No.
St. Cloud Co: Sterns MN 56303–
Landholding Agency: VA
Property Number: 979010049
Status: Underutilized
Reason: Within 2000 ft. of flammable or explosive material

New Mexico

Facility 75100
Holloman Air Force Base Co: Otero NM 88330–
Landholding Agency: Air Force
Property Number: 189240043
Status: Unutilized
Reason: Secured Area

New York

Tract 1
VA Medical Center
Bath Co: Steuben NY 14810–
Location: Exit 38 off New York State Route 17
Landholding Agency: VA
Property Number: 979010011
Status: Unutilized
Reason: Secured Area

Tract 2
VA Medical Center
Bath Co: Steuben NY 14810–
Location: Exit 38 off New York State Route 17
Landholding Agency: VA
Property Number: 979010012
Status: Underutilized
Reason: Secured Area

Tract 3
VA Medical Center
Bath Co: Steuben NY 14810–
Location: Exit 38 off New York State Route 17
Landholding Agency: VA
Property Number: 979010013
Status: Underutilized
Reason: Secured Area

Tract 4
VA Medical Center
Bath Co: Steuben NY 14810–
Location: Exit 38 off New York State Route 17
Landholding Agency: VA
Property Number: 979010014
Status: Unutilized
Reason: Secured Area

Oregon

Portion/Oregon Landfill
3 acres
Ontario Co: Malheur OR 97914–
Landholding Agency: Interior
Property Number: 619630002
Status: Unutilized
Reason: Other
Comment: landlocked

Puerto Rico

119.3 acres
Culebra Island PR 00775–
Landholding Agency: Interior
Property Number: 619210001
Status: Excess
Reason: Floodway

Destino Tract
Eastern Maneuver Area
Vieques PR 00765–
Landholding Agency: Navy
Property Number: 779240016
Status: Excess
Reason: Other
Comment: Inaccessible

Punta Figueras—Naval Station
Ceiba PR 00735–
Landholding Agency: Navy
Property Number: 779240017
Status: Excess
Reason: Floodway

South Dakota

Badlands Bomb Range
60 miles southeast of Rapid City, SD
1½ miles south of Highway 44 Co: Shannon SD
Landholding Agency: Air Force
Property Number: 189210003
Status: Unutilized
Reason: Secured Area

Tennessee

Land/Portion
Volunteer Army Ammunition Plant
Chattanooga Co: Hamilton TN 37422–2607
Landholding Agency: GSA
Property Number: 549730018
Status: Excess
Reason: Within 2000 ft. of flammable or explosive material
GSA Number: 4–D–TN–645

Virginia

50′×50′ site
Naval Air Station Norfolk
SP area
Norfolk VA
Landholding Agency: Navy
Property Number: 779630002
Status: Underutilized
Reason: Within 2000 ft. of flammable or explosive material, Floodway

50′×50′ site
Naval Air Station Norfolk
NM area
Norfolk VA
Landholding Agency: Navy
Property Number: 779630003
Status: Underutilized
Reason: Within 2000 ft. of flammable or explosive material

50′×50′ site
Naval Base Norfolk
SDA area
Norfolk VA
Landholding Agency: Navy
Property Number: 779630004
Status: Underutilized
Reason: Within 2000 ft. of flammable or explosive material, Floodway

50′×50′ site
Fleet Combat Training Center Atlantic
Loon Court
Virginia Beach VA
Landholding Agency: Navy
Property Number: 779630008
Status: Underutilized
Reason: Within 2000 ft. of flammable or explosive material

50′×50′ site
Fleet Combat Training Center Atlantic
Regulus Avenue
Virginia Beach VA 23461–
Landholding Agency: Navy
Property Number: 779630009
Status: Underutilized
Reason: Within 2000 ft. of flammable or explosive material

50′×50′ site
Naval Weapons Station Yorktown
Barracks/Railroad Rd
Yorktown VA
Landholding Agency: Navy
Property Number: 779630010
Status: Underutilized
Reason: Within 2000 ft. of flammable or explosive material

50′×50′ site
Naval Weapons Station Yorktown
Cheesecake/Burma Rd.
Yorktown VA
Landholding Agency: Navy
Property Number: 779630011
Status: Underutilized
Reason: Within 2000 ft. of flammable or explosive material

50′×50′ site
Naval Weapons Station Yorktown
W. Beachwood/Burma Rd.
Yorktown VA
Landholding Agency: Navy
Property Number: 779630012
Status: Underutilized
Reason: Within 2000 ft. of flammable or explosive material

50′×50′ site
Norfolk Naval Shipyard Portsmouth
Victory Blvd.
Norfolk VA
Landholding Agency: Navy
Property Number: 779630013
Status: Underutilized
Reason: Within 2000 ft. of flammable or explosive material, 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: Underutilized
Reason: Secured Area

Land-Port Hadlock Detachment
Naval Ordnance Center Pacific Division
Port Hadlock Co: Jefferson WA 98339–
Landholding Agency: Navy
Property Number: 779640019
Status: Underutilized
Reason: Within 2000 ft. of flammable or explosive material, Secured Area

[FR Doc. 97–23389 Filed 9–4–97; 8:45 am]
BILLING CODE 4210–29–M

DEPARTMENT OF THE INTERIOR

Fish and Wildlife Service

Notice of Receipt of Applications for Permit

The following applicants have applied for a permit to conduct certain activities with endangered species. This notice is provided pursuant to Section 10(c) of the Endangered Species Act of 1973, *as amended* (16 U.S.C. 1531, *et seq.*):

PRT–833768

Applicant: Cheyenne Mountain Zoo, Colorado Springs, CO

The applicant requests a permit to import of one captive-bred Sumatran orangutan (*Pongo pygmaeus abelii*) from the Calgary Zoo, Alberta, Canada, to enhance the propagation of the species.

PRT–832847

Applicant: Edward Dieffenbach, Miami, FL

The applicant requests a permit to import one captive-bred American peregrine falcon (*Falco peregrinus anatum*) from White Feather Falcons, Ontario, Canada, to enhance the propagation of the species.

PRT–829904

Applicant: Robert W. Ehrig/Finca Cyclura, Big Pine Key, FL

The applicant requests a permit to export two captive-bred Grand Cayman Ground iguanas (*Cyclura nubila lewisi*) to Roger Lamb in Solihull, West Midlands, United Kingdom, for the purpose of enhancement of the species through captive propagation.

PRT–833281

Applicant: Cohanzick Zoo, Bridgeton, NJ

This amends the previously published activity for the applicant to import three (3) Bengal tigers (*Panthera tigris tigris*)born in captivity from Parken Zoo, Eskiltuna, Sweden, rather than two (2) for the purpose of enhancement of the species through conservation education.

PRT–833611

Applicant: Jay L. Brasher, Salt Lake City, UT

The applicant requests a permit to import the sport-hunted trophy of one male bontebok (*Damaliscus pygargus dorcas*) culled from a captive herd maintained under the management program of the Republic of South Africa, for the purpose of enhancement of the survival of the species.

Written data or comments should be submitted to the Director, U.S. Fish and Wildlife Service, Office of Management Authority, 4401 North Fairfax Drive, Room 430, Arlington, Virginia 22203 and must be received by the Director within 30 days of the date of this publication.

The public is invited to comment on the following application(s) for permits to conduct certain activities with marine mammals. The application(s) was/were submitted to satisfy requirements of the Marine Mammal Protection Act of 1972, *as amended* (16 U.S.C. 1361 *et seq.*) and the regulations governing marine mammals (50 CFR 18).

PRT–833835

Applicant: Gary H. Dietrich, Bismarck, ND

The applicant requests a permit to import a polar bear (*Ursus maritimus*) sport-hunted from the northern Beaufort polar bear population, Northwest Territories, Canada for personal use.

PRT–833846

Applicant: Charles B. Ball, Watertown, NY

The applicant requests a permit to import a polar bear (*Ursus maritimus*) sport-hunted from the Perry Channel polar bear population, Northwest Territories, Canada for personal use.

Written data or comments, requests for copies of the complete applications, or requests for a public hearing on any of these applications for marine mammal permits should be sent to the U.S. Fish and Wildlife Service, Office of Management Authority, 4401 N. Fairfax Drive, Room 430, Arlington, Virginia 22203, telephone 703/358–2104 or fax 703/358–2281 and must be received within 30 days of the date of publication of this notice. Anyone requesting a hearing should give specific reasons why a hearing would be appropriate. The holding of such hearing is at the discretion of the Director.

Documents and other information submitted with all of the applications listed in this notice are available for review, *subject to the requirements of the Privacy Act and Freedom of Information Act,* by any party who submits a written request for a copy of such documents within 30 days of the date of publication of this notice at the above address.

Dated: August 29, 1997.

Mary Ellen Amtower,

Acting Chief, Branch of Permits, Office of Management Authority.

[FR Doc. 97–23513 Filed 9–4–97; 8:45 am]

BILLING CODE 4310–55–P

DEPARTMENT OF THE INTERIOR

Fish and Wildlife Service

Emergency Exemption: Issuance

On August 21, 1997, the U.S. Fish and Wildlife Service (Service) issued a permit (PRT–833379) to the Buffalo Zoo (Zoo), Buffalo, New York to export a female gorilla (*Gorilla gorilla*) to the Granby Zoo in Granby, Quebec, Canada. The 30-day public comment period required by section 10(c) of the Endangered Species Act was waived. The Service determined that an emergency affecting the health and life of the gorilla existed and that no reasonable alternative was available to the applicant, for the following reasons:

a. The Buffalo Zoo applied for an export permit for the female gorilla who is suddenly not compatible with the gorilla social groups at the Zoo. The Zoo has only one gorilla facility with three social groups. Although she would like to be with the primary male, she has been rejected by the other females who have attained a higher status than she. She has taken her ostracism poorly and will not fit in with the other two groups. She has caused injuries to the other animals in all three groups.

b. The Zoo is currently confining her to one of the four holding areas available. Because of the facility's configuration, she is still in close proximity to the other animals. This proximity is harming her psychologically; she is no longer eating, and is suffering physically.

c. The Granby Zoo, which had loaned this gorilla to the Buffalo Zoo, has offered to have her return.

Dated: August 29, 1997.

Mary Ellen Amtower,

Acting Chief, Branch of Permits, Office of Management Authority.

[FR Doc. 97–23516 Filed 9–4–97; 8:45 am]

BILLING CODE 4310–55–P

DEPARTMENT OF THE INTERIOR

Fish and Wildlife Service

Availability of a Draft Recovery Plan for the Razorback Sucker (Xyrauchen texanus) for Review and Comment

AGENCY: Fish and Wildlife Service, Interior.

ACTION: Notice of document availability.

SUMMARY: The Fish and Wildlife Service (Service) announces the availability for public review of a draft recovery plan for the razorback sucker (*Xyrauchen texanus*). The razorback sucker currently exists in small populations in the Colorado River in the States of Colorado, Utah, New Mexico, and Arizona. The Service solicits review and comment from the public on this draft recovery plan.

DATES: Comments on the draft recovery plan must be received on or before January 5, 1998.

ADDRESSES: Persons wishing to review the draft recovery plan may obtain a copy by contacting the Associate Manager Utah, Fish and Wildlife Service, P.O. Box 25486, Denver Federal Center, Denver, Colorado 80225. Written comments and materials regarding this plan should be sent to the Associate Manager Utah at the Denver address given above. Comments and materials received are available on request for public inspection, by appointment, during normal business hours at the above address.

FOR FURTHER INFORMATION CONTACT: Larry Shanks, Fish and Wildlife Associate Manager (see **ADDRESSES** above), at telephone (303) 236–8154.

SUPPLEMENTARY INFORMATION: .

Background

Restoring an endangered or threatened animal or plant to the point where it is again a secure, self-sustaining member of its ecosystem is a primary goal of the Service's endangered species program. To help guide the recovery effort, the Service is working to prepare recovery plans for most of the listed species native to the United States. Recovery plans describe actions considered necessary for conservation of the species, establish criteria for recovery levels for downlisting or delisting them, and estimate time and cost for implementing the recovery measures needed.

The Endangered Species Act (Act) of 1973, as amended (16 U.S.C. 1531 *et seq.*), requires the development of recovery plans for listed species unless such a plan would not promote the conservation of a particular species. Section 4(f) of the Act, as amended in 1988, requires that public notice and an opportunity for public review and comment be provided during recovery plan development. The Service will consider all information presented during a public comment period prior to approval of each new or revised recovery plan. The Service and other Federal agencies also will take these comment into account in the course of implementing approved recovery plans.

The razorback sucker was listed as endangered on October 23, 1991 (56 FR 54957). A final rule designating critical habitat was published on March 21, 1994 (59 FR 13374). An endemic fish of mainstream rivers in the Colorado River basin, the razorback sucker was once abundant and widely distributed. It now occurs only in remnant populations in a few lakes and river reaches. The largest extant population occurs in Lake Mohave, Arizona, and the largest riverine population occurs in the Green and Yampa rivers, near Vernal, Utah.

Razorback sucker populations have been declining for much of this century. This decline is a result of major alterations to the historical physical and biological environment. Extensive water development projects have depleted flow, altered flow regimes, changed water quality, and fragmented habitat. At the same time, the nature and composition of the fish community has been altered dramatically by the introduction of many nonnative fish species. Predation by nonnative fishes is a primary reason for the virtual failure of recruitment in razorback sucker populations.

Recovery Objectives: Protection and expansion of three existing populations, and establishment of four new ones from remnant stocks or reintroductions.

The goal of this recovery plan is to provide an adequate level of conservation for the species and its habitat so that there will be self-sustaining populations distributed throughout its extant range and to guide recovery actions to facilitate delisting of the species. Recovery efforts will focus on development and implementation of habitat restoration in selected lakes and river segments; develop and protect existing genomes in hatchery refugia; augment or reestablish populations of fish in its critical habitat; conducting biological and habitat management research; monitoring and surveys of known occurrences and potential habitat; and dissemination of educational information.

Public Comments Solicited

The Service solicits written comments on the recovery plan described above. All comments received by the date specified in the **DATES** section above will be considered prior to approval of the recovery plan.

Authority

The authority for this action is section 4(f) of the Endangered Species Act, 16 U.S.C. 1533(f).

Dated: August 28, 1997.

Terry N. Sexson,

Acting Regional Director, Denver, Colorado.

[FR Doc. 97–23569 Filed 9–4–97; 8:45 am]

BILLING CODE 4310–55–M

DEPARTMENT OF THE INTERIOR

Fish and Wildlife Service

Availability of Draft Recovery Plan for the Western Lily for Review and Comment

AGENCY: Fish and Wildlife Service, Interior.

ACTION: Notice of document availability.

SUMMARY: The U.S. Fish and Wildlife Service (Service) announces the availability for public review of a draft Western Lily Recovery Plan. The species occurs on the Pacific Coast from Coos Bay, Oregon, to Eureka, California.

DATES: Comments on the draft recovery plan must be received on or before October 6, 1997 to receive consideration by the Service.

ADDRESSES: Copies of the draft recovery plan are available for inspection, by appointment, during normal business hours at the following locations: U.S. Fish and Wildlife Service, Oregon State Office 2600 S.E. 98th Ave., Suite 100 Portland, Oregon 97266–1398. Requests for copies of the draft recovery plan and written comments and materials regarding this plan should be addressed to Russell D. Peterson, State Supervisor, at the above Oregon State Office address.

FOR FURTHER INFORMATION CONTACT: Dr. Andrew F. Robinson Jr., Fish and Wildlife Biologist, at the above Oregon State Office address, telephone (503) 231–6179.

SUPPLEMENTARY INFORMATION:

Background

Restoring endangered or threatened animals and plants to the point where they are again secure, self-sustaining members of their ecosystems is a primary goal of the Service's endangered species program. To help guide the recovery effort, the Service is working to prepare recovery plans for most of the listed species native to the United States. Recovery plans describe actions considered necessary for the conservation of the species, establish criteria for the recovery levels for down listing or delisting them, and estimate time and cost for implementing the recovery measures needed.

The Endangered Species Act, as amended (16 U.S.C. 1531 *et seq.*) (Act), requires the development of recovery plans for listed species unless such a plan would not promote the conservation of a particular species. Section 4(f) of the Act as amended in 1988 requires that public notice and an opportunity for public review and comment be provided during recovery

plan development. The Service will consider all information presented during the public comment period prior to approval of each new or revised Recovery Plan. Substantiative technical comments will result in changes to the plans. Substantive comments regarding recovery plan implementation may not necessarily result in changes to the recovery plans, but will be forwarded to appropriate Federal or other entities so that they can take these comments into account during the course of implementing recovery actions. Individualized responses to comments will not be provided.

The western lily (*Lilium occidentale*) is a distinctive and spectacular species in a genus known for its striking beauty and horticultural appeal. The range of the western lily is very limited, and its habitat and ecosystem processes have been dramatically altered this century. The western lily is limited to low lying poorly drained areas along a narrow band of the Pacific Coast, no more than 4 miles inland, from Humboldt Bay near Eureka, California on the south, north some 200 miles to Coos Bay Oregon. Many western lily western lily populations and much of its habitat have been lost to various forms of development, including agricultural uses (pasture or cranberry bogs) and infrastructure projects (roads, campgrounds, and utilities). Western lily has been reported from approximately 58 sites, 20 of which appear to have been extirpated.

The objective of this plan is to provide a framework for the recovery of the western lily so that its protection by the ESA is no longer necessary. Actions necessary for the prevention of extinction of this plant include conservation and management of existing sites, by maintaining shrubby vegetation with openings and preventing encroachment by trees. The plan also recommends establishment of a seed bank and development of methods to reintroduce the plant to suitable sites or augment existing wild populations. The plan also is intended to encourage public awareness, understanding and participation in western lily recovery.

Public Comments Solicited

The Service solicits written comments on the western lily recovery plan. All comments received by the date specified above will be considered prior to approval of these plans.

Authority

The authority for this action is section 4(f) of the Endangered Species Act, 16 U.S.C. 1533(f).

Dated: August 5, 1997.

Thomas J. Dwyer,

Acting Regional Director, U.S. Fish and Wildlife Service, Region 1, Portland, Oregon.

[FR Doc. 97–23585 Filed 9–4–97; 8:45 am]

BILLING CODE 4310–55–M

DEPARTMENT OF THE INTERIOR

Minerals Management Service

Agency Information Collection Activities: Proposed Collection; Comment Request

AGENCY: Minerals Management Service, DOI.

ACTION: Notice of information collection solicitation.

SUMMARY: Under the Paperwork Reduction Act of 1995, the Minerals Management Service (MMS) is soliciting comments on an information collection, Training and Outreach Evaluation Questionnaires.

FORM: MMS–4420, A–H.

DATES: Written comments should be received on or before November 4, 1997.

ADDRESSES: Comments sent via the U.S. Postal Service should be sent to Minerals Management Service, Royalty Management Program, Rules and Publications Staff, P.O. Box 25165, MS 3021, Denver, Colorado 80225–0165; courier address is Building 85, Room A–212, Denver Federal Center, Denver, Colorado 80225; e:mail address is David__Guzy@mms.gov.

FOR FURTHER INFORMATION CONTACT: Dennis C. Jones, Rules and Publications Staff, phone (303) 231–3046, FAX (303) 231–3385, e-mail Dennis__C__Jones@mms.gov.

SUPPLEMENTARY INFORMATION: In compliance with the Paperwork Reduction Act of 1995, Section 3506(c)(2)(A), we are notifying you, members of the public and affected agencies, of this collection of information and are inviting your comments. Is this information collection necessary for us to properly do our job? Have we accurately estimated the industry burden for responding to this collection? Can we enhance the quality, utility, and clarity of the information we collect? Can we lessen the burden of this information collection on the respondents by using automated collection techniques or other forms of information technology?

Executive Order No. 12862, September 11, 1993, Setting Customer Service Standards, provided renewed focus on surveying customers. The MMS Royalty Management Program (RMP) uses training and outreach evaluation questionnaires as one method of surveying customers about levels of satisfaction.

The RMP frequently provides training and outreach to its constituents to facilitate their compliance with laws and regulations and to ensure that constituents are well informed. In 1996 we presented over 20 training sessions to the oil and gas and solid minerals reporters on various aspects of royalty reporting, production reporting, and valuation. We also provided over 30 outreach sessions to individual Indian minerals owners, Indian Tribes, and the Bureau of Indian Affairs on Indian royalty management issues. Additionally, we provided several sessions of relevant training to our financial and systems contractors and State and Tribal auditors.

At the end of a training or outreach session, RMP asks participants to complete and return evaluation questionnaires; participant response is voluntary. Some questions are uniform across all of the evaluation questionnaires; some are specific to each type of training or outreach. We use the feedback from these questionnaires to enhance future training and outreach and to improve RMP's overall service. We request feedback on several areas of our training and outreach sessions, including:

- Organization of training.
- Level of detail.
- Clarity of presentation.
- Achievement of training objectives.
- Relevance of subject matter.
- Effectiveness of training materials.
- Other topic suggestions for future sessions.
- Overall RMP customer service.

We estimate that the annual burden to our constituents is 180 hours, assuming that all training and outreach participants respond to these evaluations and each evaluation questionnaire takes 6 minutes to complete (1800 participants × 6 minutes = 10,800 minutes or 180 hours).

Dated August 26, 1997.

Lucy Querques Denett,

Associate Director for Royalty Management.

[FR Doc. 97–23573 Filed 9–4–97; 8:45 am]

BILLING CODE 4310–MR–P

DEPARTMENT OF THE INTERIOR

Minerals Management Service

Agency Information Collection Activities: Proposed Collection; Comment Request

AGENCY: Minerals Management Service (MMS), Interior.

ACTION: Notice of a new information collection.

SUMMARY: As part of its continuing effort to reduce paperwork and respondent burden, MMS invites the public and other Federal agencies to comment on a proposal to request approval of the new collection of information discussed below. The Paperwork Reduction Act of 1995 (PRA) provides that an agency may not conduct or sponsor, and a person is not required to respond to, a collection of information unless it displays a currently valid Office of Management and Budget (OMB) control number.

DATES: Submit written comments by November 4, 1997.

ADDRESSES: Direct all written comments to the Rules Processing Team, Minerals Management Service, Mail Stop 4020, 381 Elden Street, Herndon, Virginia 20170–4817.

FOR FURTHER INFORMATION CONTACT: Alexis London, Rules Processing Team, telephone (703) 787–1600. You may also contact Alexis London to obtain a copy of the proposed collection of information at no cost.

SUPPLEMENTARY INFORMATION:

Title: NTL—Performance Measures for OCS Operators and MMS Form XXX.

OMB Control Number: 1010–NEW.

Abstract: The Outer Continental Shelf Lands Act (OCSLA), at 43 U.S.C. 1331 *et seq.*, requires the Secretary of the Interior (Secretary) to preserve, protect, and develop oil and gas resources on the Outer Continental Shelf (OCS); make such resources available to meet the Nation's energy needs as rapidly as possible; balance orderly energy resource development with protection of the human, marine, and coastal environment; ensure the public a fair and equitable return on the resources offshore; and preserve and maintain free enterprise competition.

In a collaborative effort with representatives of 17 oil and gas companies, representatives of five trade associations (American Petroleum Institute, Offshore Operators Committee, International Petroleum Association of America, International Association of Drilling Contractors, and National Ocean Industries Association), and the Coast Guard, MMS developed a set of performance measures intended to (1) determine if OCS safety and environmental performance is improving over time through the implementation of the Safety and Environmental Management Program (SEMP) on the OCS, (2) provide an industry average and range for various quantitative measures against which companies can compare themselves, (3) give MMS assurance that an operator's safety and environmental performance is improving, and (4) provide comparison data on which companies with good performance can base requests to MMS for specific regulatory relief.

Like the implementation of SEMP, participation in the performance measures effort is voluntary. However, the quality of the information that can be garnered from analysis of the data depends on the widespread support of this effort. The MMS currently collects a great deal of information under regulation. It does not have, but intends to collect on a voluntary basis, information that will be described in a new Notice to Lessees on Performance Measures for OCS Operators. The information proposed for collection will consist of:

(a) Separated by Production Operations, Drilling Operations, and Construction Operations:

- Number of company employee recordable accidents,
- Number of contract employee recordable accidents,
- Total number of recordable accidents,
- Number of company employee lost time accidents,
- Number of contract employee lost time accidents,
- Total number of lost time accidents,
- Company employee hours worked,
- Contract employee hours worked,
- Total hours worked,
- Total recordable incidence rate (by formula provided),
- Total lost time incidence rate (by formula provided).

(b) By totals

- Number of Environmental Protection Agency (EPA) National Pollution Discharge Elimination System (NPDES) reported exceedances,
- EPA NPDES discharge incidence rate,
- Oil spills <1 bbl by number and volume.

Data will be collected for calendar years 1996 and 1997 in the first quarter of calendar 1997. Requests for information for subsequent years will be made at the end of each year. It is expected that some companies will not have complete information for the first submission. They will be requested to provide as complete information as possible and to make adjustments as necessary to improve reporting in subsequent collections.

The MMS will use the information collected to work with industry representatives to identify ''pacesetter'' companies and request them to make presentations at periodic workshops. Knowing how the offshore operators as a group are doing and where their own company ranks will provide company management with information to focus their continuous improvement efforts. This should lead to more cost-effective prevention actions. This information will also provide offshore operators and organizations with a credible data source to demonstrate how well the industry and individual companies are doing to those outside the industry. The MMS can better focus its regulatory and research programs on areas where the performance measures indicate that operators are having difficulty meeting MMS expectations. The MMS should be more effective in leveraging its resources by redirecting research efforts, promoting appropriate regulatory initiatives, and shifting inspection program emphasis. The performance measures will also give MMS a verifiable gauge against which to judge the reasonableness of company requests for specific regulatory relief. They will provide a starting point for the dialog.

If respondents submit confidential or proprietary information, MMS will protect such information in accordance with the Freedom of Information Act; 30 CFR 250.18, Data and information to be made available to the public; and 30 CFR Part 252, OCS Oil and Gas Information Program. No items of a sensitive nature are collected. The requirement to respond is voluntary.

Frequency: Annual.

Estimated Number and Description of Respondents: 130 Federal OCS oil and gas or sulphur lessees.

Estimated Average Hour Burden: 16–32 burden hours per response. This number is expected to decrease as respondents become more familiar with the performance measures.

Estimated Average Cost Burden: The MMS has identified no cost burdens on respondents for providing this information.

Comments: The MMS will summarize written responses to this notice and address them in its submission for OMB approval. All comments will become a matter of public record. We will also consult with a representative sample of respondents. As a result of these efforts, we will make any necessary adjustments for our submission to OMB. In calculating the burden, MMS may have assumed that respondents maintain much of the information collected in the normal course of their activities, and we considered that to be usual and customary business practice.

(1) The MMS specifically solicits comments on the following questions:

(a) Is the proposed collection of information necessary for the proper performance of MMS's functions, and will it be useful?

(b) Are the estimates of the burden hours of the proposed collection reasonable?

(c) Do you have any suggestions that would enhance the quality, clarity, or usefulness of the information to be collected?

(d) Is there a way to minimize the information collection burden on those who are to respond, including through the use of appropriate automated electronic, mechanical, or other forms of information technology?

(2) In addition, the PRA requires agencies to estimate the total annual cost burden to respondents as a direct result of this collection of information. The MMS needs your comments on this item. Your response should split the cost estimate into two components:

(a) Total capital and startup cost component; and

(b) Annual operation, maintenance, and purchase of services component. Your estimates should consider the costs to generate, maintain, and disclose or provide the information. You should describe the methods you use to estimate major cost factors, including system and technology acquisition, expected useful life of capital equipment, discount rate(s), and the period over which you incur costs. Capital and startup costs include, among other items, computers and software you purchase to prepare for collecting information; monitoring, sampling, drilling, and testing equipment; and record storage facilities. Do not include in your estimates equipment or services purchased: (i) before October 1, 1995; (ii) to comply with requirements not associated with the information collection; (iii) for reasons other than to provide information or keep records for the Government; or (iv) as part of customary and usual business or private practices.

MMS Information Collection Clearance Officer: Jo Ann Lauterbach, (202) 208–7744.

Dated: August 27, 1997.

E.P. Danenberger,

Chief, Engineering and Operations Division.

[FR Doc. 97–23634 Filed 9–4–97; 8:45 am]

BILLING CODE 4310–MR–P

DEPARTMENT OF JUSTICE

Drug Enforcement Administration

Steven Cohen, M.D.; Revocation of Registration

On February 25, 1997, the Deputy Assistant Administrator, Office of Diversion Control, Drug Enforcement Administration (DEA), issued an Order to Show Cause to Steven Cohen, M.D., of Mercersburg, Pennsylvania, proposing the revocation of his DEA Certificate of Registration BC0417104, and denial of any pending applications for renewal of such registration as a practitioner pursuant to 21 U.S.C. 824(a)(3), for reason that he is not currently authorized to handle controlled substances in the Commonwealth of Pennsylvania. The order also advised that should no request for a hearing be filed within 30 days, his hearing right would be deemed waived.

The Order to Show Cause was sent to Dr. Cohen by registered mail to his DEA registered address, but was returned to DEA with the notation, ''Moved, left no address''. DEA then sent the Order to Show Cause to an address provided by the State Board of Medicine. The Order was not returned to DEA, however there is no indication that it was received by Dr. Cohen and DEA did not receive any response to the Order. DEA investigators also attempted to personally deliver the Order to Show Cause to Dr. Cohen without success. DEA then learned of another possible address for Dr. Cohen in Hagerstown, Maryland. The Order sent to this address was returned to DEA indicating that the addressee had moved and left no forwarding address.

The Acting Deputy Administrator finds that DEA has made numerous attempts to locate Dr. Cohen and has determined that his whereabouts are unknown. It is evident that Dr. Cohen is no longer practicing medicine at the address listed on his DEA Certificate of Registration. The Acting Deputy Administrator concludes that considerable effort has been made to serve Dr. Cohen with the Order to Show Cause without success. Dr. Cohen is therefore deemed to have waived his opportunity for a hearing. The Acting Deputy Administrator now enters his final order in this matter without a hearing and based on the investigative file pursuant to 21 CFR 1301.43 (d) and (e) and 1301.46.

The Acting Deputy Administrator finds that on August 22, 1995, the Commonwealth of Pennsylvania, Department of State, Bureau of Professional and Occupational Affairs, State Board of Medicine (Board) issued an Adjudication and Order revoking Dr. Cohen's license to practice medicine. The Board found that Dr. Cohen engaged in unprofessional conduct involving the provision of a medical service at a level beneath the accepted standard of care; unprofessional conduct exhibiting a reckless indifference to the interests of the patient; and unprofessional conduct involving the prescribing of a controlled substance in a way other than for an acceptable medical purpose.

The Acting Deputy Administrator finds that in light of the fact that Dr. Cohen is not currently licensed to practice medicine in the Commonwealth of Pennsylvania, it is reasonable to infer that he is not currently authorized to handle controlled substances in that state. The DEA does not have statutory authority under the Controlled Substances Act to issue or maintain a registration if the applicant or registrant is without state authority to handle controlled substances in the state in which he conducts his business. 21 U.S.C. 802(21), 823(f) and 824(a)(3). This prerequisite has been consistently upheld. See *Romeo J. Perez, M.D.*, 62 FR 16,193 (1997); *Demetris A. Green, M.D.*, 61 FR 60,728 (1996); *Dominick A. Ricci, M.D.*, 58 FR 51,104 (1993).

Here it is clear that Dr. Cohen is not currently authorized to handle controlled substances in the Commonwealth of Pennsylvania. Therefore, Dr. Cohen is not entitled to a DEA registration in that state.

Accordingly, the Acting Deputy Administrator of the Drug Enforcement Administration, pursuant to the authority vested in him by 21 U.S.C. 823 and 824 and 28 CFR 0.100(b) and 0.104, hereby orders that DEA Certificate of Registration BC0417104, previously issued to Steven Cohen, M.D., be, and it hereby is, revoked. The Acting Deputy Administrator further orders that any pending applications for the renewal of such registration, be, and they hereby are, denied. This order is effective October 6, 1997.

Dated: August 27, 1997.

James S. Milford,

Acting Deputy Administrator.

[FR Doc. 97–23514 Filed 9–4–97; 8:45 am]

BILLING CODE 4410–09–M

DEPARTMENT OF JUSTICE

Drug Enforcement Administration

Moshe B. Mirilashvilli, M.D.; Revocation of Registration

On June 9, 1997, the Deputy Assistant Administrator, Office of Diversion Control, Drug Enforcement Administration (DEA), issued an Order to Show Cause to Moshe B. Mirilashvilli, M.D., of Syosset, New York, notifying him of an opportunity to show cause as to why DEA should not revoke his DEA Certificate of Registration BM0788868, under 21 U.S.C. 824(a)(3), and deny any pending applications for renewal of such registration as a practitioner pursuant to 21 U.S.C. 823(f), for reason that he is not currently authorized to handle controlled substances in the State of New York. The order also notified Dr. Mirilashvilli that should no request for a hearing be filed within 30 days, his hearing right would be deemed waived.

The DEA received a signed receipt indicating that the order was received by Dr. Mirilashvilli on June 13, 1997. No request for a hearing or any other reply was received by the DEA from Dr. Mirilashvilli or anyone purporting to represent him in this matter. Therefore, the Acting Deputy Administrator, finding that (1) 30 days have passed since the receipt of the Order to Show Cause, and (2) no request for a hearing having been received, concludes that Dr. Mirilashvilli is deemed to have waived his hearing right. After considering material from the investigative file in this matter, the Acting Deputy Administrator now enters his final order without a hearing pursuant to 21 CFR 1301.43 (d) and (e) and 1301.46.

The Acting Deputy Administrator finds that on January 22, 1996, the State of New York Department of Health, State Board for Professional Medical Conduct, Hearing Committee (Hearing Committee) issued a Determination and Order revoking Dr. Mirilashvilli's license to practice medicine. The Hearing Committee found that Dr. Mirilashvilli practiced with negligence on more than one occasion; practiced with gross negligence; failed to maintain records; and violated a state regulation. The Hearing Committee's Determination and Order was stayed pending review of its decision by the State of New York, Department of Health, Administrative Review Board for Professional Medical Conduct (Review Board). On June 7, 1996, the Review Board issued its Decision and order sustaining the Hearing committee's finding that Dr. Mirilashvilli was guilty of professional misconduct. The Review Board voted unanimously to sustain the Hearing Committee's determination revoking Dr. Mirilashvilli's license to practice medicine in the State of New York.

The Acting Deputy Administrator finds that in light of the fact that Dr. Mirilashvilli is not currently licensed to practice medicine in the State of New York, it is reasonable to infer that he is not currently authorized to handle controlled substances in that state. The DEA does not have the statutory authority under the Controlled Substances Act to issue or maintain a registration if the applicant or registrant is without state authority to handle controlled substances in the state in which he conducts his business. 21 U.S.C. 802(21), 823(f) and 824(a)(3). This prerequisite has been consistently upheld. See *Romeo J. Perez, M.D.,* 63 FR 16,193 (1997); *Demetris A. Green, M.D.,* 61 FR 60,728 (1996); *Dominick A. Ricci, M.D.,* 58 FR 51,104 (1993).

Here it is clear that Dr. Mirilashvilli is not currently authorized to handle controlled substances in the State of New York. Therefore, Dr. Mirilashvilli is not entitled to a DEA registration in that state.

Accordingly, the Acting Deputy Administrator of the Drug Enforcement Administration, pursuant to the authority vested in him by 21 U.S.C. 823 and 824 and 28 CFR 0.100(b) and 0.104, hereby orders that DEA Certificate of Registration BM0788868, previously issued to Moshe B. Mirilashvilli, M.D., be, and it hereby is, revoked. The Acting Deputy Administrator further orders that any pending applications for the renewal of such registration, be, and they hereby are, denied. This order is effective October 6, 1997.

Dated: August 28, 1997.

James S. Milford,

Acting Deputy Administrator.

[FR Doc. 97–23515 Filed 9–4–97; 8:45 am]

BILLING CODE 4410–09–M

DEPARTMENT OF LABOR

Employment Standards Administration

Wage and Hour Division

Minimum Wages for Federal and Federally Assisted Construction; General Wage Determination Decisions

General wage determination decisions of the Secretary of Labor are issued in accordance with applicable law and are based on the information obtained by the Department of Labor from its study of local wage conditions and data made available from other sources. They specify the basic hourly wage rates and fringe benefits which are determined to be prevailing for the described classes of laborers and mechanics employed on construction projects of a similar character and in the localities specified therein.

The determinations in these decisions of prevailing rates and fringe benefits have been made in accordance with 29 CFR Part 1, by authority of the Secretary of Labor pursuant to the provisions of the Davis-Bacon Act of March 3, 1931, as amended (46 Stat. 1494, as amended, 40 U.S.C. 276a) and of other Federal statutes referred to in 29 CFR Part 1, Appendix, as well as such additional statutes as may from time to time be enacted containing provisions for the payment of wages determined to be prevailing by the Secretary of Labor in accordance with the Davis-Bacon Act. The prevailing rates and fringe benefits determined in these decisions shall, in accordance with the provisions of the foregoing statutes, constitute the minimum wages payable on Federal and federally assisted construction projects to laborers and mechanics of the specified classes engaged on contract work of the character and in the localities described therein.

Good cause is hereby found for not utilizing notice and public comment procedure thereon prior to the issuance of these determinations as prescribed in 5 U.S.C. 553 and not providing for delay in the effective date as prescribed in that section, because the necessity to issue current construction industry wage determinations frequently and in large volume causes procedures to be impractical and contrary to the public interest.

General wage determination decisions, and modifications and supersedes decisions thereto, contain no expiration dates and are effective from their date of notice in the **Federal Register,** or on the date written notice is received by the agency, whichever is earlier. These decisions are to be used in accordance with the provisions of 29 CFR Parts 1 and 5. Accordingly, the applicable decision, together with any modifications issued, must be made a part of every contract for performance of the described work within the geographic area indicated as required by an applicable Federal prevailing wage law and 29 CFR Part 5. The wage rates and fringe benefits, notice of which is published herein, and which are contained in the Government Printing Office (GPO) document entitled ''General Wage Determinations Issued Under the Davis-Bacon and Related Acts,'' shall be the minimum paid by

contractors and subcontractors to laborers and mechanics.

Any person, organization, or governmental agency having an interest in the rates determined as prevailing is encouraged to submit wage rate and fringe benefit information for consideration by the Department. Further information and self-explanatory forms for the purpose of submitting this data may be obtained by writing to the U.S. Department of Labor, Employment Standards Administration, Wage and Hour Division, Division of Wage Determinations, 200 Constitution Avenue, N.W., Room S–3014, Washington, D.C. 20210.

New General Wage Determination Decisions

The number of the decisions added to the Government Printing Office document entitled ''General Wage Determinations Issued Under the Davis-Bacon and Related Acts'' are listed in Volume and States:

Volume I

Vermont
VT970039 (Sep. 5, 1997)
VT970040 (Sep. 5, 1997)
VT970041 (Sep. 5, 1997)

Modifications to General Wage Determination Decisions

The number of decisions listed in the Government Printing Office document entitled ''General Wage Determinations Issued Under the Davis-Bacon and Related Acts'' being modified are listed by Volume and State. Dates of publication in the **Federal Register** are in parentheses following the decisions being modified.

Volume I

Maine
ME970001 (Feb. 14, 1997)
ME970003 (Feb. 14, 1997)
ME970005 (Feb. 14, 1997)
Me970006 (Feb. 14, 1997)
ME970010 (Feb. 14, 1997)
ME970012 (Feb. 14, 1997)
ME970015 (Feb. 14, 1997)
ME970016 (Feb. 14, 1997)
ME970022 (Feb. 14, 1997)
ME970026 (Feb. 14, 1997)
ME970037 (Feb. 14, 1997)
New Hampshire
NH970001 (Feb. 14, 1997)
NH970007 (Feb. 14, 1997)
NH970015 (Feb. 14, 1997)
NH970016 (Feb. 14, 1997)
New Jersey
NJ970002 (Feb. 14, 1997)
NJ970003 (Feb. 14, 1997)
NJ970004 (Feb. 14, 1997)
NJ970007 (Feb. 14, 1997)
New York
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General Wage Determination Publication

General wage determinations issued under the Davis-Bacon and related Acts, including those noted above, may be found in the Government Printing Office (GPO) document entitled ''General Wage Determinations Issued Under The Davis-Bacon and Related Acts''. This publication is available at each of the 50 Regional Government Depository Libraries and many of the 1,400 Government Depository Libraries across the country.

The general wage determinations issued under the Davis-Bacon and related Acts are available electronically by subscription to the FedWorld Bulletin Board System of the National Technical Information Service (NTIS) of the U.S. Department of Commerce at (703) 487–4630.

Hard-copy subscriptions may be purchased from: Superintendent of Documents, U.S. Government Printing Office, Washington, D.C. 20402, (202) 512–1800.

When ordering hard-copy subscription(s), be sure to specify the State(s) of interest, since subscriptions may be ordered for any or all of the seven separate volumes, arranged by State. Subscriptions include an annual edition (issued in January or February) which includes all current general wage determinations for the States covered by each volume. Throughout the remainder of the year, regular weekly updates are distributed to subscribers.

Signed at Washington, D.C. this 29th day of August 1997.

Margaret Washington,

Acting Chief, Branch of Construction Wage Determinations.

[FR Doc. 97–23492 Filed 9–4–97; 8:45 am]

BILLING CODE 4510–27–M

DEPARTMENT OF LABOR

Pension and Welfare Benefits Administration

[Prohibited Transaction Exemption 97–44; Exemption Application No. D–10346, et al.]

Grant of Individual Exemptions; 1st Source Bank, et al.

AGENCY: Pension and Welfare Benefits Administration, Labor.

ACTION: Grant of Individual Exemptions.

SUMMARY: This document contains exemptions issued by the Department of Labor (the Department) from certain of the prohibited transaction restrictions of the Employee Retirement Income Security Act of 1974 (the Act) and/or the Internal Revenue Code of 1986 (the Code).

Notices were published in the **Federal Register** of the pendency before the Department of proposals to grant such exemptions. The notices set forth a summary of facts and representations contained in each application for exemption and referred interested persons to the respective applications for a complete statement of the facts and representations. The applications have been available for public inspection at the Department in Washington, DC. The notices also invited interested persons to submit comments on the requested exemptions to the Department. In addition the notices stated that any interested person might submit a written request that a public hearing be held (where appropriate). The applicants have represented that they have complied with the requirements of the notification to interested persons. No public comments and no requests for a hearing, unless otherwise stated, were received by the Department.

The notices of proposed exemption were issued and the exemptions are being granted solely by the Department because, effective December 31, 1978, section 102 of Reorganization Plan No.

4 of 1978 (43 FR 47713, October 17, 1978) transferred the authority of the Secretary of the Treasury to issue exemptions of the type proposed to the Secretary of Labor.

Statutory Findings

In accordance with section 408(a) of the Act and/or section 4975(c)(2) of the Code and the procedures set forth in 29 CFR part 2570, subpart B (55 FR 32836, 32847, August 10, 1990) and based upon the entire record, the Department makes the following findings:

(a) The exemptions are administratively feasible

(b) They are in the interests of the plans and their participants and beneficiaries; and

(c) They are protective of the rights of the participants and beneficiaries of the plans.

1st Source Bank, Located in South Bend, Indiana

[Prohibited Transaction Exemption 97–44; Exemption Application No. D–10346]

Exemption

Section I—Exemption for In-Kind Transfer of Assets

The restrictions of section 406(a) and section 406(b) of the Act and the sanctions resulting from the application of section 4975 of the Code, by reason of section 4975(c)(1) (A) through (F) of the Code, shall not apply, effective September 19, 1996, to the in-kind transfer to separate series of an open-end investment company registered under the Investment Company Act of 1940 (the Funds) to which 1st Source Bank or any of its affiliates (collectively, the Bank) serves as investment advisor, and may provide other services, of the assets of various employee benefit plans (the Plans) that are held in certain collective investment funds (the CIFs) maintained by the Bank or otherwise held by the Bank as trustee, investment manager, or in any other capacity as fiduciary on behalf of the Plans, in exchange for shares of such Funds; provided that the following conditions are met:

(A) A fiduciary (the Second Fiduciary) who is acting on behalf of each affected Plan and who is independent of and unrelated to the Bank, as defined in paragraph (G) of Section III below, receives in advance of the investment by the Plan in any of the Funds a full and detailed written disclosure of information concerning such Fund, including, but not limited to:

(1) A current prospectus for each portfolio of each of the Funds in which such Plan is considering investing,

(2) A statement describing the fees for investment management, investment advisory, or other similar services, any fees for secondary services (Secondary Services), as defined in paragraph (H) of section III below, and all other fees to be charged to or paid by the Plan and by such Funds to the Bank, including the nature and extent of any differential between the rates of such fees,

(3) The reasons why the Bank may consider such investment in the Funds to be appropriate for the Plan,

(4) A statement describing whether there are any limitations applicable to the Bank with respect to which assets of a Plan may be invested in the Funds, and, if so, the nature of such limitations, and

(5) Upon request of the Second Fiduciary, a copy of this proposed exemption and/or a copy of the final exemption;

(B)(1) With respect to each of the Funds in which a Plan invests, the Bank will provide the Second Fiduciary of such Plan:

(a) At least annually with a copy of an updated prospectus of such Fund,

(b) Upon the request of such Second Fiduciary, with a report or statement (which may take the form of the most recent financial report, the current statement of additional information or some other written statement) which contains a description of all fees paid by the Fund to the Bank;

(2) On the basis of the information described above in paragraph (A) of this section I, the Second Fiduciary authorizes in writing the in-kind transfer of assets of the Plans in exchange for shares of the Funds, the investment of such assets in corresponding portfolios of the Funds, and the fees received by the Bank in connection with its services to the Funds, such authorization by the Second Fiduciary to be consistent with the responsibilities, obligations, and duties imposed on fiduciaries by Part 4 of Title I of the Act;

(C) No sales commissions or other fees are paid by the Plans in connection with the purchase of Fund shares through the in-kind transfer of Plan assets in the CIFs, and no redemption fees are paid in connection with the sale of such shares by the Plans to the Fund;

(D) All or a pro rata portion of the assets of the Plans held in the CIFs or all or a pro rata portion of the assets of the Plans held by the Bank in any capacities as fiduciary on behalf of such Plans are transferred in-kind to the Funds in exchange for shares of such Funds;

(E) The Plans receive shares of the Funds that have a total net asset value that is equal to the value of the assets of the Plans or the CIFs exchanged for such shares on the date of transfer, based on the current market value of the assets of the Plans or the CIFs

(F) The current market value of the assets of the Plans or the CIFs to be transferred in-kind in exchange for shares is determined in a single valuation performed in the same manner and at the close of business on the same day, using independent sources in accordance with the procedures set forth in Rule 17a–7(b) (Rule 17a–7), issued by the Securities and Exchange Commission under the Investment Company Act of 1940, and the procedures established by the Funds pursuant to Rule 17a–7 for the valuation of such assets. Such procedures must require that all securities for which a current market price cannot be obtained by reference to the last sale price for transactions reported on a recognized securities exchange or NASDAQ be valued based on an average of the highest current independent bid and lowest current independent offer, as of the close of business on the day preceding the CIF or Plan transfers determined on the basis of reasonable inquiry from at least three sources that are broker-dealers or pricing services independent of the Bank;

(G) For all conversion transactions that occur after the date of publication in the **Federal Register** of a notice proposing this exemption: Not later than thirty (30) days after completion of each in-kind transfer of assets of the Plans or the CIFs in exchange for shares of the Funds, the Bank sends by regular mail to the Second Fiduciary, as defined in paragraph (G) of Section III below, a written confirmation which contains the following information:

(1) The identity of each of the assets that was valued for purposes of the transaction in accordance with Rule 17a–7(b)(4) under the Investment Company Act of 1940;

(2) The price of such asset involved in the transaction; and

(3) The identity of each pricing service or market maker consulted in determining the value of such assets

(H) No later than ninety (90) days after completion of each in-kind transfer of assets of the Plans or the CIFs in exchange for shares of the Funds, the Bank sends by regular mail to the Second Fiduciary, who is acting on behalf of each affected Plan and who is independent of and unrelated to the Bank, as defined in paragraph (G) of section III below, a written confirmation that contains the following information:

(1) The number of CIF units held by each affected Plan immediately before

the transfer, the related per unit value, and the aggregate dollar value of the units transferred; and

(2) The number of shares in the Funds that are held by each affected Plan following the transfer, the related per share net asset value, and the aggregate dollar value of the shares received;

(I) The combined total of all fees received by the Bank for the provision of services to the Plans, and in connection with the provision of services to any of the Funds in which the Plans may invest, are not in excess of ''reasonable compensation'' within the meaning of section 408(b)(2) of the Act;

(J) The Bank does not receive any fees payable pursuant to Rule 12b–1 under the Investment Company Act of 1940 in connection with the transactions described herein;

(K) The Plans are not sponsored by the Bank;

(L) All dealings between the Plans and any of the Funds are on a basis no less favorable to the Plans than dealings between the Funds and other shareholders holding the same class of shares as the Plans; and

(M) The requirements of Prohibited Transaction Class Exemption 77–4 (42 FR 18732, April 8, 1977) are met with respect to all arrangements under which investment advisory fees are paid to the Bank directly or indirectly by Plans with assets invested in the Funds.

Section II—General Conditions

(A) The Bank maintains for a period of six years the records necessary to enable the persons, as described in paragraph (B) of this section II, to determine whether the conditions of this exemption have been met, except that:

(1) A prohibited transaction will not be considered to have occurred if, due to circumstances beyond the control of the Bank, the records are lost or destroyed prior to the end of the six (6) year period, and

(2) No party in interest, other than the Bank, shall be subject to the civil penalty that may be assessed under section 503(i) of the Act, or to the taxes imposed by section 4975(a) and (b) of the Code, if the records are not maintained, or are not available for examination as required by paragraph (B) of this section;

(B)(1) Except as provided in paragraph (B)(2) of this section II and notwithstanding any provisions of subsection (a)(2) and (b) of section 504 of the Act, the records referred to in paragraph (A) of section II above are unconditionally available at their customary location for examination during normal business hours by—

(a) Any duly authorized employee or representative of the Department or the Internal Revenue Service,

(b) Any fiduciary of each of the Plans who has authority to acquire or dispose of shares of any of the Funds owned by such a Plan, or any duly authorized employee or representative of such fiduciary, and

(c) Any participant or beneficiary of the Plans or duly authorized employee or representative of such participant or beneficiary;

(2) None of the persons described in paragraphs (B)(1)(b) and (B)(1)(c) of this section II shall be authorized to examine trade secrets of the Bank or commercial or financial information which is privileged or confidential.

Section III—Definitions

For purposes of this exemption:

(A) The term *Bank* means 1st Source Bank and any affiliate of the Bank, as defined in paragraph (B) of this section III.

(B) An *affiliate* of a person includes:

(1) Any person directly or indirectly through one or more intermediaries, controlling, controlled by, or under common control with the person,

(2) Any officer, director, employee, relative, or partner in any such person, and

(3) Any corporation or partnership of which such person is an officer, director, partner or employee.

(C) The term *control* means the power to exercise a controlling influence over the management or policies of a person other than an individual.

(D) The term *Fund* or *Funds* means any diversified open-end investment company or companies registered under the Investment Company Act of 1940 for which the Bank serves as investment adviser, and may also provide custodial or other services as approved by such Funds.

(E) The term *net asset value* means the amount for purposes of pricing all purchases and sales calculated by dividing the value of all securities, determined by a method as set forth in a Fund's prospectus and statement of additional information, and other assets belonging to each of the portfolios in such Fund, less the liabilities charged to each portfolio, by the number of outstanding shares.

(F) The term *relative* means a *relative* as that term is defined in section 3(15) of the Act (or a ''member of the family'' as that term is defined in section 4975(e)(6) of the Code), or a brother, a sister, or a spouse of a brother or sister.

(G) The term *Second Fiduciary* means a fiduciary of a plan who is independent of and unrelated to the Bank. For purposes of this exemption, the Second Fiduciary will not be deemed to be independent of and unrelated to the Bank if:

(1) Such Second Fiduciary directly or indirectly controls, is controlled by, or is under common control with the Bank,

(2) Such Second Fiduciary, or any officer, director, partner, employee, or relative of such Second Fiduciary is an officer, director, partner, or employee of the Bank (or is a relative of such person), or

(3) Such Second Fiduciary directly or indirectly receives any compensation or other consideration for his or her own personal account in connection with any transaction described in this exemption.

If an officer, director, partner, or employee of the Bank (or a relative of such persons) is a director of such Second Fiduciary, and if he or she abstains from participation in (i) the choice of the Plan's investment manager/advisor, (ii) the approval of any purchase or sale by the Plan of shares of the Funds, and (iii) the approval of any change of fees charged to or paid by the Plan, in connection with any of the transactions described in section I above, then paragraph (G)(2) of section III above shall not apply.

(H) The term, *Secondary Service* means a service, other than an investment management, investment advisory, or similar service, which is provided by the Bank to the Funds, including but not limited to custodial, accounting, brokerage, administrative or any other service.

EFFECTIVE DATE: This exemption is effective as of September 19, 1996.

For a more complete statement of the facts and representations supporting this exemption, refer to the notice of proposed exemption published on June 23, 1997 at 62 FR 33911.

FOR FURTHER INFORMATION CONTACT: Mr. Ronald Willett of the Department, telephone (202) 219–8881. (This is not a toll-free number.)

Ronald L. Chez (Mr. Chez) IRA and Lawrence G. Kuntz (Mr. Kuntz) IRA (Collectively; the IRAs) Located in Chicago, Illinois and Wilmington, Delaware, Respectively

[Prohibited Transaction Exemption 97–45; Exemption Application Nos. D–10359 and D–10360]

Exemption

The sanctions resulting from the application of section 4975 of the Code, by reason of section 4975(c)(1) (A) through (E) of the Code, shall not apply to: (a) The sale by the IRAs of certain

closely held stock (the Stock) to Happy Valley Corporation (the Corporation), the issuer of the Stock and an unrelated third party with respect to the IRAs; and (b) the subsequent repurchase of the Stock from the Corporation by Mr. Chez and Mr. Kuntz, fiduciaries and disqualified persons with respect to the IRAs; provided that the following conditions are met:

1. The sale and the repurchase of the Stock will be one-time transactions for cash;

2. The transactions described in (1) above will take place on the same business day;

3. Mr. Chez and Mr. Kuntz, in their individual capacity, will purchase the same shares of the Stock, as those that were sold to the Corporation by the IRAs. The stock transfer records of the Corporation will evidence that this is the case; and

4. The amount paid to the IRAs for the Stock will be the fair market value of the Stock determined at the time of the sale by a qualified independent appraiser. Mr. Chez and Mr. Kuntz will purchase the Stock from the Corporation for the same consideration as was received by the IRAs for the sale of the Stock.

For a more complete statement of the facts and representations supporting the Department's decision to grant this exemption refer to the notice of proposed exemption published on July 11, 1997 at 62 FR 37309.

Written Comments

The Department received one written comment on the proposed exemption and no requests for a hearing. The attorney for the applicant submitted the written comment as follows:

1. Paragraph 1 at the top of the of the third column on page 37309 and section 7 of the Summary of Facts and Representations on page 37310 state that ''the sale and repurchase of the Stock will be one-time transactions for cash.'' The applicant requests that the phrase ''check or bank transfer'' be added at the end of that sentence to permit payment by check or bank transfer.

The Department notes that the term *cash* includes payment by ''check or bank transfer.'' In this regard, the Department wishes to assure that, as a result of the transactions, the IRAs receive payment by cash, as distinguished from an in-kind transfer of assets other than cash, and there will be no extension of credit associated with the transactions.

2. The second paragraph of section 3 of the Summary of Facts and Representations states that ''On August 1, 1995, Mr. Kuntz subscribed for Stock shares in his own name. On December 20, 1995, at the request of Mr. Kuntz, the Corporation issued a replacement Stock certificate to Mr. Kuntz's IRA.''

The applicant clarified that although the Stock was originally issued by the Corporation to Mr. Kuntz, the intent of Mr. Kuntz was always to make his investment in the Corporation through his IRA.

3. Section 5 of the Summary of the Facts and Representations states that ''By letter dated May 22, 1997, the attorneys for the Corporation represent that the transaction must be structured through the Corporation'' (emphasis added).

In this regard, the applicant clarified that it believed that the taint of having a non-permitted shareholder of the Corporation was most completely removed where the parties were put back in the position they would have been in had the stock been issued to the individuals concerned and not to the IRAs.

After giving full consideration to the record and the comment submitted to the Department, the Department has determined to grant the exemption.

FOR FURTHER INFORMATION CONTACT: Ekaterina A. Uzlyan of the Department at (202) 219–8883. (This is not a toll-free number.)

John Hancock Mutual Life Insurance Company (JH), Located in Boston, Massachusetts,

[Prohibited Transaction Exemption 97–46; Exemption Application Nos. D–10416–10420]

Exemption

The restrictions of sections 406(a), 406 (b)(1) and (b)(2) of the Act and the sanctions resulting from the application of section 4975 of the Code, by reason of section 4975(c)(1) (A) through (E) of the Code, shall not apply to the: (1) The acquisition by a separate account maintained by JH (the FPGT Account) from Willamette Industries, Inc. of certain oil and gas rights (the Deer Creek Oil and Gas Rights), subject to existing leases (the Leases) of such rights to Enerfin Resources Northwest Limited Partnership (Enerfin), a party in interest with respect to the plans invested in the FPGT Account; and (2) the continuation of the Leases following the acquisition by the FPGT Account, provided the following conditions are satisfied: (a) As part of its decision to enter into the separate account contract establishing the FPGT Account, an independent fiduciary determines that the acquisition of the Deer Creek Oil and Gas Rights is in the interest of the participants of the plans investing in the FPGT Account and that the price paid for the rights is no more than the fair market value of such rights; (b) an independent fiduciary determines that the continuation of the Leases is in the best interests of the FPGT Account; and (c) an independent fiduciary will monitor the performance of Enerfin under the Leases, as well as any proposed modifications or renewals of the Leases, and will take such steps as are necessary to protect the interests of the FPGT Account with respect to the Leases.

For a more complete statement of the facts and representations supporting the Department's decision to grant this exemption, refer to the notice of proposed exemption published on June 23, 1997 at 62 FR 33915.

FOR FURTHER INFORMATION CONTACT: Gary H. Lefkowitz of the Department, telephone (202) 219–8881. (This is not a toll-free number.)

AmSouth Bank of Alabama (AmSouth), Located in Birmingham, Alabama

[Prohibited Transaction Exemption 97–47; Application No. D–10422]

Exemption

Section I—Transactions

The restrictions of section 406(a) and 406(b) of the Act and the sanctions resulting from the application of section 4975 of the Code, by reason of section 4975(c)(1) (A) through (F) of the Code, shall not apply to the receipt of fees by AmSouth from the AmSouth Mutual Funds, or any other diversified open-end investment companies registered under the Investment Company Act of 1940 (the Funds), for acting as an investment adviser for the Funds as well as for providing other services to the Funds which are ''Secondary Services'' as defined in Section III(h), in connection with the investment by the Client Plans in shares of the Funds, provided that the conditions set forth in Section II below are met.

Section II—Conditions

(a) Each Client Plan satisfies either (but not both) of the following:

(1) The Client Plan receives a cash credit of such Plan's proportionate share of all fees charged to the Funds by AmSouth for investment advisory services, including any investment advisory fees paid by AmSouth to third party sub-advisers, no later than one business day after the receipt of such fees by AmSouth. The crediting of all such fees to the Client Plans by AmSouth is audited by an independent accounting firm on at least an annual basis to verify the proper crediting of the fees to each Plan; or

(2) The Client Plan does not pay any Plan-level investment management fees, investment advisory fees, or similar fees to AmSouth with respect to any of the assets of such Plan which are invested in shares of any of the Funds. This condition does not preclude the payment of investment advisory or similar fees by the Funds to AmSouth under the terms of an investment management agreement adopted in accordance with section 15 of the Investment Company Act of 1940 (the 1940 Act), nor does it preclude the payment of fees for Secondary Services to AmSouth pursuant to a duly adopted agreement between AmSouth and the Funds.

(b) The price paid or received by a Client Plan for shares in a Fund is the net asset value per share at the time of the transaction, as defined in Section III(e), and is the same price which would have been paid or received for the shares by any other investor at that time.

(c) AmSouth, including any officer or director of AmSouth, does not purchase or sell shares of the Funds from or to any Client Plan.

(d) No sales commissions are paid by the Client Plans in connection with the purchase or sale of shares of the Funds and no redemption fees are paid in connection with the sale of shares by the Client Plans to the Funds.

(e) For each Client Plan, the combined total of all fees received by AmSouth for the provision of services to a Client Plan, and in connection with the provision of services to the Funds in which the Client Plan may invest, are not in excess of ''reasonable compensation'' within the meaning of section 408(b)(2) of the Act.

(f) AmSouth does not receive any fees payable pursuant to Rule 12b–1 under the 1940 Act in connection with the transactions.

(g) The Client Plans are not employee benefit plans sponsored or maintained by AmSouth.

(h) The Second Fiduciary receives, in advance of any initial investment by the Client Plan in a Fund, full and detailed written disclosure of information concerning the Funds, including but not limited to:

(1) A current prospectus for each Fund in which a Client Plan is considering investing;

(2) A statement describing the fees for investment advisory or similar services, any secondary services as defined in Section III(h), and all other fees to be charged to or paid by the Client Plan and by the Funds, including the nature and extent of any differential between the rates of such fees;

(3) The reasons why AmSouth may consider such investment to be appropriate for the Client Plan

(4) A statement describing whether there are any limitations applicable to AmSouth with respect to which assets of a Client Plan may be invested in the Funds, and if so, the nature of such limitations; and

(5) Upon request of the Second Fiduciary, a copy of the proposed exemption and/or a copy of the final exemption as published in the **Federal Register**.

(i) After consideration of the information described above in paragraph (h), the Second Fiduciary authorizes in writing the investment of assets of the Client Plan in each particular Fund and the fees to be paid by such Funds to AmSouth.

(j) All authorizations made by a Second Fiduciary regarding investments in a Fund and the fees paid to AmSouth are subject to an annual reauthorization wherein any such prior authorization referred to in paragraph (i) shall be terminable at will by the Client Plan, without penalty to the Client Plan, upon receipt by AmSouth of written notice of termination. A form expressly providing an election to terminate the authorization described in paragraph (i) above (the Termination Form) with instructions on the use of the form must be supplied to the Second Fiduciary no less than annually; provided that the Termination Form need not be supplied to the Second Fiduciary pursuant to this paragraph sooner than six months after such Termination Form is supplied pursuant to paragraph (l) below, except to the extent required by such paragraph in order to disclose an additional service or fee increase. The instructions for the Termination Form must include the following information:

(1) The authorization is terminable at will by the Client Plan, without penalty to the Client Plan, upon receipt by AmSouth of written notice from the Second Fiduciary; and

(2) Failure to return the Termination Form will result in continued authorization of AmSouth to engage in the transactions described in paragraph (i) on behalf of the Client Plan.

(k) For each Client Plan using the fee structure described in paragraph (a)(1) above with respect to investments in a particular Fund, the Second Fiduciary of the Client Plan receives full written disclosure in a Fund prospectus or otherwise of any increases in the rates of fees charged by AmSouth to the Funds for investment advisory services, prior to the effective date of such increase.

(l)(1) For each Client Plan using the fee structure described in paragraph (a)(2) above with respect to investments in a particular Fund, an increase in the rate of fees paid by the Fund to AmSouth regarding any investment management services, investment advisory services, or similar services that AmSouth provides to the Fund over an existing rate for such services that had been authorized by a Second Fiduciary in accordance with paragraph (i) above; or

(2) For any Client Plan under this exemption, an addition of a Secondary Service (as defined in Section III(h) below) provided by AmSouth to the Fund for which a fee is charged, or an increase in the rate of any fee paid by the Funds to AmSouth for any Secondary Service that results either from an increase in the rate of such fee or from the decrease in the number of kind of services performed by AmSouth for such fee over an existing rate for such Secondary Service which had been authorized by the Second Fiduciary of a Client Plan in accordance with paragraph (i) above.

AmSouth will, at least 30 days in advance of the implementation of such additional service for which a fee is charged or fee increase, provide a written notice (which may take the form of a proxy statement, letter, or similar communication that is separate from the prospectus of the Fund and which explains the nature and amount of the additional service for which a fee is charged or of the increase in fees) to the Second Fiduciary of the Client Plan. Such notice shall be accompanied by a Termination Form with instructions as described in paragraph (j) above.

(m) On an annual basis, AmSouth provides the Second Fiduciary of a Client Plan investing in the Funds with:

(1) A copy of the current prospectus for the Funds in which the Client Plan invests and, upon such fiduciary's request, a copy of the Statement of Additional Information for such Funds which contains a description of all fees paid by the Funds to AmSouth;

(2) A copy of the annual financial disclosure report prepared by AmSouth which includes information about the Fund portfolios as well as audit findings of an independent auditor within 60 days of the preparation of the report; and

(3) Oral or written responses to inquiries of the Second Fiduciary as they arise.

(n) With respect to each of the Funds in which a Client Plan invests, in the event such Fund places brokerage transactions with AmSouth, AmSouth will provide the Second Fiduciary of

such Plan at least annually with a statement specifying:

(1) The total, expressed in dollars, of brokerage commissions of each Fund that are paid to AmSouth by such Fund;

(2) The total, expressed in dollars, of brokerage commissions of each Fund that are paid by such Fund to brokerage firms unrelated to AmSouth;

(3) The average brokerage commissions per share, expressed as cents per share, paid to AmSouth by each Fund; and

(4) The average brokerage commissions per share, expressed as cents per share, paid by each Fund to brokerage firms unrelated to AmSouth.

(o) All dealings between the Client Plans and the Funds are on a basis no less favorable to the Plans than dealings with other shareholders of the Funds.

(p) AmSouth maintains for a period of six years the records necessary to enable the persons described below in paragraph (q) to determine whether the conditions of this exemption have been met, except that (1) a prohibited transaction will not be considered to have occurred if, due to circumstances beyond the control of AmSouth, the records are lost or destroyed prior to the end of the six-year period, and (2) no party in interest other than AmSouth or an affiliate shall be subject to the civil penalty that may be assessed under section 502(i) of the Act or to the taxes imposed by section 4975 (a) and (b) of the Code if the records are not maintained or are not available for examination as required by paragraph (q) below.

(q)(1) Except as provided below in paragraph (q)(2) and notwithstanding any provisions of section 504(a)(2) of the Act, the records referred to in paragraph (p) are unconditionally available at their customary location for examination during normal business hours by—

(i) Any duly authorized employee or representative of the Department or the Internal Revenue Service,

(ii) Any fiduciary of the Client Plans who has authority to acquire or dispose of shares of the Funds owned by the Client Plans, or any duly authorized employee or representative of such fiduciary, and

(iii) Any participant or beneficiary of the Client Plans or duly authorized employee or representative of such participant or beneficiary;

(2) None of the persons described in paragraph (q)(1) (ii) and (iii) shall be authorized to examine trade secrets of AmSouth, or commercial or financial information which is privileged or confidential.

Section III—Definitions

For purposes of this exemption:

(a) The term *AmSouth* means AmSouth Bank of Alabama and any affiliate thereof as defined below in paragraph (b) of this section.

(b) An *affiliate* of a person includes:

(1) Any person directly or indirectly through one or more intermediaries, controlling, controlled by, or under common control with the person;

(2) Any officer, director, employee, relative, or partner in any such person; and

(3) Any corporation or partnership of which such person is an officer, director, partner, or employee.

(c) The term *control* means the power to exercise a controlling influence over the management or policies of a person other than an individual.

(d) The term *Fund* or *Funds* shall include the AmSouth Mutual Funds or any other diversified open-end investment company or companies registered under the 1940 Act for which AmSouth serves as an investment adviser and may also serve as a custodian, dividend disbursing agent, shareholder servicing agent, transfer agent, Fund accountant, or provide some other ''Secondary Service'' (as defined below in paragraph (h) of this Section) which has been approved by such Funds.

(e) The term *net asset value* means the amount for purposes of pricing all purchases and sales calculated by dividing the value of all securities, determined by a method as set forth in the Fund's prospectus and statement of additional information, and other assets belonging to the Fund or portfolio of the Fund, less the liabilities charged to each such portfolio or Fund, by the number of outstanding shares.

(f) The term *relative* means a *relative* as that term is defined in section 3(15) of the Act (or a ''member of the family'' as that term is defined in section 4975(e)(6) of the Code), or a brother, a sister, or a spouse of a brother or a sister.

(g) The term *Second Fiduciary* means a fiduciary of a Client Plan who is independent of and unrelated to AmSouth. For purposes of this exemption, the Second Fiduciary will not be deemed to be independent of and unrelated to AmSouth if:

(1) Such fiduciary directly or indirectly controls, is controlled by, or is under common control with AmSouth;

(2) Such fiduciary, or any officer, director, partner, employee, or relative of the fiduciary is an officer, director, partner or employee of AmSouth (or is a relative of such persons); or

(3) Such fiduciary directly or indirectly receives any compensation or other consideration for his or her own personal account in connection with any transaction described in this exemption.

If an officer, director, partner or employee of AmSouth (or relative of such persons), is a director of such Second Fiduciary, and if he or she abstains from participation in (i) the choice of the Client Plan's investment adviser, (ii) the approval of any such purchase or sale between the Client Plan and the Funds, and (iii) the approval of any change in fees charged to or paid by the Client Plan in connection with any of the transactions described in Sections I and II above, then paragraph (g)(2) of this section shall not apply.

(h) The term *Secondary Service* means a service other than an investment management, investment advisory, or similar service, which is provided by AmSouth to the Funds, including (but not limited to) custodian services, transfer and dividend disbursing agent services, administrator or sub-administrator services, accounting services, shareholder servicing agent services and brokerage services.

(i) The term *Termination Form* means the form supplied to the Second Fiduciary which expressly provides an election to the Second Fiduciary to terminate on behalf of a Client Plan the authorization described in paragraph (i) of Section II. Such Termination Form may be used at will by the Second Fiduciary to terminate an authorization without penalty to the Client Plan and to notify AmSouth in writing to effect a termination by selling the shares of the Funds held by the Client Plan requesting such termination within one business day following receipt by AmSouth of the form; provided that if, due to circumstances beyond the control of AmSouth, the sale cannot be executed within one business day, AmSouth shall have one additional business day to complete such sale.

EFFECTIVE DATE: This exemption is effective as of April 16, 1997.

For a more complete statement of the facts and representations supporting the Department's decision to grant this exemption refer to the notice of proposed exemption published on June 23, 1997, at 62 FR 33917.

WRITTEN COMMENTS: The Department received one written comment from an officer of a Client Plan sponsor, which supported the granting of an exemption for the subject transactions. No other written comments, and no requests for a hearing, were received by the Department. Accordingly, the

Department has determined to grant the requested exemption as proposed.

FOR FURTHER INFORMATION CONTACT: Mr. E.F. Williams of the Department, telephone (202) 219–8194. (This is not a toll-free number.)

Martin D. Ross Individual Retirement Account (the IRA) Located in Boca Raton, Florida

[Prohibited Transaction Exemption 97–48; Exemption Application No. D–10451]

Exemption

The sanctions resulting from the application of section 4975 of the Code, by reason of section 4975(c)(1) (A) through (E) of the Code, shall not apply to the March 4, 1996 sale by the IRA of certain debentures (the Debentures) to Mr. Martin D. Ross (Mr. Ross), a disqualified person with respect to the IRA, provided the following conditions were satisfied: (1) The sale of the Debentures by the IRA was a one-time transaction for cash; (2) the IRA received no less than the fair market value of the Debentures as of the time of the sale; and (3) as soon as Mr. Ross became aware that the transaction was prohibited, he reversed the transaction.[1]

For a more complete statement of the facts and representations supporting the Department's decision to grant this exemption, refer to the notice of proposed exemption published on July 21, 1997 at 62 FR 39030.

EFFECTIVE DATE: This exemption is effective March 4, 1996.

FOR FURTHER INFORMATION CONTACT: Gary H. Lefkowitz of the Department, telephone (202) 219–8881. (This is not a toll-free number.)

General Information

The attention of interested persons is directed to the following:

(1) The fact that a transaction is the subject of an exemption under section 408(a) of the Act and/or section 4975(c)(2) of the Code does not relieve a fiduciary or other party in interest or disqualified person from certain other provisions to which the exemption does not apply and the general fiduciary responsibility provisions of section 404 of the Act, which among other things require a fiduciary to discharge his duties respecting the plan solely in the interest of the participants and beneficiaries of the plan and in a prudent fashion in accordance with section 404(a)(1)(B) of the Act; nor does it affect the requirement of section 401(a) of the Code that the plan must operate for the exclusive benefit of the employees of the employer maintaining the plan and their beneficiaries;

(2) These exemptions are supplemental to and not in derogation of, any other provisions of the Act and/or the Code, including statutory or administrative exemptions and transactional rules. Furthermore, the fact that a transaction is subject to an administrative or statutory exemption is not dispositive of whether the transaction is in fact a prohibited transaction; and

(3) The availability of these exemptions is subject to the express condition that the material facts and representations contained in each application are true and complete and accurately describe all material terms of the transaction which is the subject of the exemption. In the case of continuing exemption transactions, if any of the material facts or representations described in the application change after the exemption is granted, the exemption will cease to apply as of the date of such change. In the event of any such change, application for a new exemption may be made to the Department.

Signed at Washington, DC, this 2nd day of September, 1997.

Ivan Strasfeld,

Director of Exemption Determinations, Pension and Welfare Benefits Administration, Department of Labor.

[FR Doc. 97–23641 Filed 9–4–97; 8:45 am]

BILLING CODE 4510–29–P

[1] Pursuant to 29 CFR 2510.3–2(d), the IRA is not within the jurisdiction of Title I of the Act. However, there is jurisdiction under Title II of the Act pursuant to section 4975 of the Code.

DEPARTMENT OF LABOR

Pension and Welfare Benefits Administration

[Application No. D–10393]

AEW Capital Management, L.P. (AEW); Located in Boston, Massachusetts

AGENCY: Pension and Welfare Benefits Administration.

ACTION: Notice of proposed exemption, U.S. Department of Labor to replace Prohibited Transaction Exemption (PTE) 93–40 Involving Aldrich, Eastman & Waltch, L.P. and Aldrich, Eastman & Waltch, Inc. (collectively, Old AEW).

SUMMARY: This document contains a notice of pendency before the Department of Labor (the Department) of a proposed individual exemption which, if granted, would replace PTE 93–40 (58 FR 34821, June 29, 1993). PTE 93–40 permitted the payment to Old AEW of certain investment fees and disposition fees relating to real estate investments by employee benefit plans for which Old AEW provided investment management services, as well as the investment by such plans in a multiple client commingled account managed by Old AEW, subject to certain conditions. These transactions were described in a notice of pendency that was published in the **Federal Register** on April 27, 1993 at 58 FR 25662. PTE 93–40, which was effective as of April 27, 1993, expired by operation of law, as discussed below. The proposed exemption would provide conditional relief identical to that provided by PTE 93–40 for a newly-merged entity known as ''AEW Capital Management, L.P.''

DATES: Written comments and/or requests for a public hearing should be received by the Department within 45 days of the date of publication of this notice of proposed exemption in the **Federal Register**. The proposed exemption, if granted, will be effective December 10, 1996.

ADDRESSES: All written comments and/or requests for a public hearing (preferably, three copies) should be sent to the Office of Exemption Determinations, Pension and Welfare Benefits Administration, Room N–5649, U.S. Department of Labor, 200 Constitution Avenue, NW, Washington, DC 20210, Attention: Application No. D–10393. The application pertaining to the proposed exemption and the comments received will be available for public inspection in the Public Documents Room of the Pension and Welfare Benefits Administration, U.S. Department of Labor, Room N–5507, 200 Constitution Avenue, NW., Washington, DC 20210.

FOR FURTHER INFORMATION CONTACT: Ms. Karin Weng of the Department, telephone (202) 219–8881. (This is not a toll-free number.)

SUPPLEMENTARY INFORMATION: Notice is hereby given of the pendency before the Department of a proposed exemption that would replace PTE 93–40. PTE 93–40 provided an exemption from certain prohibited transaction restrictions of section 406 of the Employee Retirement Income Security Act of 1974 (the Act) and from the sanctions resulting from the application of section 4975 of the Internal Revenue Code of 1986 (the Code), as amended, by reason of section 4975(c)(1) of the Code. The proposed exemption was requested in an application filed by AEW pursuant to section 408(a) of the Act and section 4975(c)(2) of the Code and in accordance with the procedures (the Procedures) set forth in 29 CFR part 2570, subpart B (55 FR 32836, August 10, 1990). Effective December 31, 1978,

section 102 of Reorganization Plan No. 4 of 1978 (43 FR 47713, October 17, 1978) transferred the authority of the Secretary of the Treasury to issue exemptions of the type requested to the Secretary of Labor. Accordingly, this proposed replacement exemption is being issued solely by the Department.

Specifically, PTE 93–40 provided exemptive relief from section 406(b)(1) and (b)(2) of the Act and the sanctions resulting from the application of section 4975 of the Code, by reason of section 4975(c)(1)(E) of the Code, with respect to the payment by the plans of certain initial investment fees and disposition fees to Old AEW. In addition, PTE 93–40 provided exemptive relief from the restrictions of section 406(a)(1) (A) through (D) of the Act and the sanctions resulting from the application of section 4975 of the Code, by reason of section 4975(c)(1) (A) through (D) of the Code, with respect to the investment by the plans in a multiple client commingled account managed by Old AEW.

Subsequent to the granting of PTE 93–40, AEW informed the Department that, effective as of December 10, 1996, all the assets of Old AEW and certain of their affiliates had been transferred to the new AEW Capital Management, L.P. (denoted herein as AEW). All of the partnership interests of AEW are owned, directly or indirectly, by New England Investment Companies, a publicly held limited partnership, which in turn is approximately 53 percent owned by The Metropolitan Life Insurance Company. Because AEW is a newly created legal entity, the Department determined that PTE 93–40 was no longer effective as of December 10, 1996. Thus, the Department is of the view that PTE 93–40 would be unavailable for use by AEW with respect to the subject transactions.

AEW represents that, in all material respects, notwithstanding its changes in structure and ownership, AEW has otherwise continued to operate in the same manner, and with the same senior management personnel. AEW is an investment adviser registered under the Investment Advisers Act of 1940 whose client accounts continue to consist of either separate accounts for individual clients or commingled accounts for multiple clients. Accordingly, the Department has decided to publish a new exemption for AEW which, if granted, would replace PTE 93–40 and would have an effective date of December 10, 1996 for transactions described in PTE 93–40.

Notice to Interested Persons

In accordance with the requirements of the Investment Advisers Act of 1940, Old AEW provided notice and obtained the consent of the independent fiduciary of each of its client plans with respect to its anticipated changes in structure and ownership. AEW will further provide written notice of the proposed exemption to same within 15 days of the date of publication of this notice of pendency in the **Federal Register**. Such notice will include a copy of this notice of pendency as published in the **Federal Register** and an explanation of the rights of interested persons to comment on and/or request a hearing with respect thereto. Written comments and hearing requests are due within 45 days of the date of publication of this notice in the **Federal Register**.

General Information

The attention of interested persons is directed to the following:

(1) The fact that a transaction is the subject of an exemption under section 408(a) of the Act and section 4975(c)(2) of the Code does not relieve a fiduciary or other party in interest or disqualified person from certain other provisions of the Act and the Code, including any prohibited transaction provisions to which the exemption does not apply and the general fiduciary responsibility provisions of section 404 of the Act, which require, among other things, a fiduciary to discharge his or her duties respecting the plan solely in the interest of the participants and beneficiaries of the plan and in a prudent fashion in accordance with section 404(a)(1)(B) of the Act; nor does it affect the requirements of section 401(a) of the Code that the plan operate for the exclusive benefit of the employees of the employer maintaining the plan and their beneficiaries

(2) Before an exemption can be granted under section 408(a) of the Act and section 4975(c)(2) of the Code, the Department must find that the exemption is administratively feasible, in the interests of the plan and of its participants and beneficiaries, and protective of the rights of participants and beneficiaries of such plan; and

(3) The proposed exemption, if granted, will be supplemental to, and not in derogation of, any other provisions of the Act and the Code, including statutory or administrative exemptions. Furthermore, the fact that a transaction is subject to an administrative or statutory exemption is not dispositive of whether the transaction is in fact a prohibited transaction.

(4) The proposed exemption, if granted, will be applicable to the transactions previously described in PTE 93–40 only if the conditions specified herein are satisfied.

Written Comments and Hearing Requests

All interested persons are invited to submit written comments or requests for a hearing on the proposed replacement exemption to the address above, within the time period set forth above. All comments will be made a part of the record. Comments and requests for a hearing should state the reasons for the writer's interest in the proposed exemption. Comments received will be available for public inspection with the referenced application at the address set forth above.

Proposed Exemption

Under the authority of section 408(a) of the Act and section 4975(c)(2) of the Code and in accordance with the procedures set forth in 29 CFR part 2570, subpart B, the Department proposes to replace PTE 93–40 as follows:

Part I. Exemption for Payment of Certain Fees to AEW

The restrictions of section 406(b)(1) and (b)(2) of the Act and the sanctions resulting from the application of section 4975 of the Code, by reason of section 4975(c)(1)(E) of the Code, shall not apply to the payment of certain initial investment fees (the Investment Fee) and disposition fees (the Disposition Fee) to AEW by employee benefit plans for which AEW provides investment management services (the Client Plans), pursuant to an investment management agreement (the Agreement) entered into between AEW and the Client Plans either individually, through the establishment of a single client separate account (Single Client Account), or collectively, as participants in a multiple client commingled account (Multiple Client Account), provided that the conditions set forth below in Part III are satisfied. (Single Client Accounts and Multiple Client Accounts are collectively referred to herein as Accounts).

Part II. Exemption for Investments in a Multiple Client Account

The restrictions of section 406(a)(1) (A) through (D) of the Act and the sanctions resulting from the application of section 4975 of the Code, by reason of section 4975(c)(1) (A) through (D) of the Code, shall not apply to any investment by a Client Plan in a Multiple Client Account managed by AEW, provided that the conditions set forth below in Part III are satisfied.

Part III. General Conditions

(a) The investment of plan assets in a Single or Multiple Client Account, including the terms and payment of any Investment Fee and Disposition Fee, shall be approved in writing by a fiduciary of a Client Plan which is independent of AEW and its affiliates and, in the case of a Multiple Client Account for which ultimate investment discretion is exercised by a bank trustee, a fiduciary which is independent of the bank trustee and AEW and its affiliates (the Independent Fiduciary). Notwithstanding the foregoing, AEW may authorize the transfer of cash from a Single Client Account to a Multiple Client Account, provided that: (1) The Multiple Client Account has similar investment objectives and the identical fee structure as the Single Client Account; (2) the Agreement governing the Single Client Account authorizes AEW to invest in a Multiple Client Account; (3) AEW receives no additional fees from the Single Client Account for cash invested in the Multiple Client Account and no additional Investment Fee is paid with respect to cash transferred to the Multiple Client Account; (4) a binding commitment to make the transfer to the Multiple Client Account is made by AEW within six months of the Independent Fiduciary's decision to allocate assets to the Single Client Account or, in the event that AEW's binding commitment to make the transfer occurs more than six months after such Fiduciary's decision, AEW obtains an additional authorization from the Independent Fiduciary; and (5) each transfer of assets from the Single Client Account to the Multiple Client Account occurs within 60 days of the actual transfer of such assets to the Single Client Account.

(b) The terms of any investment in an Account and of any Investment Fee or Disposition Fee shall be at least as favorable to the Client Plans as those obtainable in arm's length transactions between unrelated parties.

(c) At the time any Account is established and at the time of any subsequent investment of assets (including the reinvestment of assets) in such Account:

(1) Each Client Plan shall have total net assets with a value in excess of $50 million; and

(2) No Client Plan shall invest, in the aggregate, more than five percent of its total assets in any Account or more than 10 percent of its total assets in all Accounts established by AEW.

(d) Prior to making an investment in any Account, the Independent Fiduciary of each Client Plan investing in an Account shall receive offering materials from AEW which disclose all material facts concerning the purpose, structure, and operation of the Account, including any fee arrangements.

(e) With respect to its ongoing participation in an Account, each Client Plan shall receive the following written information from AEW:

(1) Audited financial statements of the Account prepared by independent public accountants selected by AEW no later than 90 days after the end of the fiscal year of the Account;

(2) Quarterly and annual reports prepared by AEW relating to the overall financial position and operating results of the Account and, in the case of a Multiple Client Account, the value of each Client Plan's interest in the Account. Each such report shall include a statement regarding the amount of fees paid to AEW during the period covered by such report;

(3) Annual appraisals indicating the fair market value of the Account's assets as established by an M.A.I. licensed real estate appraiser independent of AEW and its affiliates which has been approved by the Client Plan prior to investing in the Account, provided that if a new appraiser for a property is chosen by AEW, the appraiser shall be approved by the Independent Fiduciary of the Client Plan or the responsible independent fiduciaries of Client Plans and other authorized persons acting for investors in a Multiple Client Account (the Responsible Independent Fiduciaries, as defined in Part IV(e) below), prior to any valuation of such property; and

(4) In the case of any Multiple Client Account, a list of all other investors in the Account.

(f) The total fees paid to AEW shall constitute no more than reasonable compensation.

(g) The Investment Fee shall be equal to a specified percentage of the net value of the Client Plan assets allocated to the Account, which shall be payable either:

(1) At the time assets are deposited (or deemed deposited in the case of reinvestment of assets) in the Account; or

(2) In periodic installments, the amount (as a percentage of the aggregate Investment Fee) and timing of which have been specified in advance based on the percentage of the Client Plan's assets invested in real property as of the payment date, provided that (i) the installment period is no less than three months, and (ii) if the percentage of the Client Plan assets which have actually been invested by a payment date is less than the percentage required for the aggregate Investment Fee to be paid in full through that date (both determined on a cumulative basis), the Investment Fee paid on such date shall be reduced by the amount necessary to cause the percentage of the aggregate Investment Fee paid to equal only the percentage of the Client Plan assets actually invested by that date. The unpaid portion of such Investment Fee shall be deferred to and payable on a cumulative basis on the next scheduled payment date (subject to the percentage limitation described in the preceding sentence).

(h) The Disposition Fee shall be payable after the Client Plan has received distributions from the Account in excess of an amount equal to 100 percent of its invested capital plus a pre-specified annual compounded cumulative rate of return (the Threshold Amount), except that in the case of AEW's removal or resignation, AEW shall be entitled to receive a Disposition Fee payable either at the time of removal or, in the event of AEW's resignation, upon sale of the assets to which the fee is allocable or upon termination of the Account as the case may be, subject to the requirements of paragraph (k) below, as determined by a deemed distribution of the assets of the Account based on an assumed sale of such assets at their fair market value (in accordance with independent appraisals), only to the extent that the Client Plan would receive distributions from the Account in excess of an amount equal to the Threshold Amount at the time of AEW's removal or resignation. Both the Threshold Amount and the amount of the Disposition Fee, expressed as a percentage of the amount distributed (or deemed distributed) from the Account in excess of the Threshold Amount, shall be established by the Agreement and agreed to by the Independent Fiduciary of the Client Plan.

(i) The Threshold Amount for any Disposition Fee shall include at least a minimum rate of return to the Client Plan, as defined below in Part IV(f).

(j) For any sale of property in an Account which shall give rise to the payment of a Disposition Fee to AEW prior to the termination of the Account, the sales price of the property shall be at least equal to a target amount (the Target Amount), as defined in Part IV(g), in order for AEW to sell the property and receive its Disposition Fee. If the proposed sales price of the property is less than the Target Amount, the proposed sale shall be disclosed to and approved by the Independent Fiduciary for a Single Client Account or the Responsible Independent Fiduciaries for

a Multiple Client Account, in which event AEW shall be entitled to sell the property and receive its Disposition Fee. If the proposed sales price is less than the Target Amount and the Independent Fiduciary's or Responsible Independent Fiduciaries' approval is not obtained, AEW shall still have the authority to sell the property, if the Agreement provides AEW with complete investment discretion for the Account, provided that the Disposition Fee which would have been payable to AEW is paid only at the termination of the Account.

(k) In the event AEW resigns as investment manager for an Account, the Disposition Fee shall be calculated at the time of resignation as described above in paragraph (h) and allocated to each property based upon the relationship that the appraised value of such property bears to the total appraised value of the Account. Each amount arrived at through this calculation shall be multiplied by a fraction, the numerator of which shall be the actual sales price received by the Account on disposition of the property (or in the case of a property which has not been sold prior to the termination of the Account, the appraised value of the property as of the termination date) and to the denominator of which shall be the appraised value of the property which was used in connection with determining the Disposition Fee at the time of resignation, provided that this fraction shall never exceed 1.0. The resulting amount for each property shall be the Disposition Fee payable to AEW upon sale of such property or termination of the Account, as the case may be.

(l) AEW or its affiliates shall maintain, for a period of six years, the records necessary to enable the persons described in paragraph (m) of this Part III to determine whether the conditions of this exemption have been met, except that: (1) A prohibited transaction will not be considered to have occurred if, due to circumstances beyond the control of AEW or its affiliates, the records are lost or destroyed prior to the end of the six year period; and (2) no party in interest, other than AEW, shall be subject to the civil penalty that may be assessed under section 502(i) of the Act or to the taxes imposed by section 4975(a) and (b) of the Code if the records are not maintained or are not available for examination as required by paragraph (m) below.

(m)(1) Except as provided in paragraph (m)(2) and notwithstanding any provisions of section 504(a)(2) and (b) of the Act, the records referred to in paragraph (l) of this Part III shall be unconditionally available at their customary location for examination during normal business hours by:

(i) Any duly authorized employee or representative of the Department or the Internal Revenue Service;

(ii) Any fiduciary of a Client Plan or any duly authorized employee or representative of such fiduciary;

(iii) Any contributing employer to a Client Plan or any duly authorized employee or representative of such employer; and

(iv) Any participant or beneficiary of a Client Plan or any duly authorized employee or representative of such participant or beneficiary.

(2) None of the persons described above in paragraph (m)(1) (ii)–(iv) shall be authorized to examine the trade secrets of AEW and its affiliates or any commercial or financial information which is privileged or confidential.

Part IV. Definitions

For purposes of this exemption:

(a) An ''affiliate'' of a person includes:

(1) Any person directly or indirectly, through one or more intermediaries, controlling, controlled by, or under common control with the person;

(2) Any officer, director, employee, relative, or partner of such person; and

(3) Any corporation or partnership of which such person is an officer, director, partner, or employee.

(b) The term ''control'' means the power to exercise a controlling influence over the management or policies of a person other than an individual.

(c) The term ''management services'' means:

(1) Development of an investment strategy for the Account and identification of suitable real estate-related investments;

(2) Directing the investments of the assets of the Account, including the determination of the structure of each investment, the negotiation of its terms and conditions and the performance of all requisite due diligence;

(3) Timing and directing the disposition of any assets of the Account and directing the liquidation of the Account;

(4) Administration of the overall operation of the investments of the Account, including all applicable leasing, management, financing, and capital improvement decisions;

(5) Establishing and maintaining accounting records of the Accounts and distributing reports to Client Plans as described in Part III; and

(6) Selecting and directing all service providers of ancillary services as defined in this Part IV.

(d) The term ''ancillary services'' means:

(1) Legal services;

(2) Services of architects, designers, engineers, hazardous materials consultants, contractors, leasing agents, real estate brokers, and others in connection with the acquisition, construction, improvement, management and disposition of investments in real property;

(3) Insurance brokerage and consultation services;

(4) Services of independent auditors and accountants in connection with auditing the books and records of the Accounts and preparing tax returns;

(5) Appraisal and mortgage brokerage services; and

(6) Services for the development of income-producing real property.

(e) The term ''Responsible Independent Fiduciaries'' means with respect to a Multiple Client Account the Independent Fiduciary of each Client Plan invested in the Account and other authorized persons acting for investors in the Account which are not employee benefit plans as defined under section 3(3) of the Act (such as governmental plans, university endowment funds, etc.) that are independent of AEW and its affiliates and are persons other than the bank trustee for the Account, and that collectively hold at least 50% of the interests in the Account.

(f) The term ''Threshold Amount'' means with respect to any Disposition Fee an amount which equals all of a Client Plan's capital invested in an Account plus a pre-specified annual compounded cumulative rate of return that is at least a minimum rate of return determined as follows:

(1) A non-fixed rate which is at least equal to the rate of change in the consumer price index (CPI) during the period from the deposit of the Client Plan's assets into the Account until distributions of the Client Plan's assets from the Account equal or exceed the Threshold Amount; or

(2) A fixed rate which is at least equal to the rate of change in the CPI over some period of time specified in the Agreement, which shall not exceed 10 years.

(g) The term ''Target Amount'' means a value assigned to each property in the Account established by AEW either (1) at the time the property is acquired, by mutual agreement between AEW and the Independent Fiduciary for a Single Client Account or the Responsible Independent Fiduciaries for a Multiple Client Account, or (2) pursuant to an objective formula approved by such Fiduciaries at the time the Account is established. However, in no event will such value be less than the acquisition price of the property.

EFFECTIVE DATE: This exemption, if granted, is effective as of December 10, 1996.

The availability of this proposed exemption is subject to the express condition that the material facts and representations contained in the applications for exemption are true and complete and accurately describe all material terms of the transactions.

For a more complete statement of the facts and representations supporting the Department's decision to grant PTE 93–40, refer to the proposed exemption and grant notice which are cited above.

Signed at Washington, DC, this 2nd day of September, 1997.

Ivan L. Strasfeld,

Director of Exemption Determinations, Pension and Welfare Benefits Administration, Department of Labor.

[FR Doc. 97–23640 Filed 9–4–97; 8:45 am]

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DEPARTMENT OF LABOR

Pension and Welfare Benefits Administration

[Application No. D–10464 et al.]

Proposed Exemptions; NatWest Securities Corporations

AGENCY: Pension and Welfare Benefits Administration, Labor.

ACTION: Notice of proposed exemptions.

SUMMARY: This document contains notices of pendency before the Department of Labor (the Department) of proposed exemptions from certain of the prohibited transaction restrictions of the Employee Retirement Income Security Act of 1974 (the Act) and/or the Internal Revenue Code of 1986 (the Code).

Written Comments and Hearing Requests

Unless otherwise stated in the Notice of Proposed Exemption, all interested persons are invited to submit written comments, and with respect to exemptions involving the fiduciary prohibitions of section 406(b) of the Act, requests for hearing within 45 days from the date of publication of this **Federal Register** Notice. Comments and requests for a hearing should state: (1) The name, address, and telephone number of the person making the comment or request, and (2) the nature of the person's interest in the exemption and the manner in which the person would be adversely affected by the exemption. A request for a hearing must also state the issues to be addressed and include a general description of the evidence to be presented at the hearing.

ADDRESSES: All written comments and request for a hearing (at least three copies) should be sent to the Pension and Welfare Benefits Administration, Office of Exemption Determinations, Room N–5649, U.S. Department of Labor, 200 Constitution Avenue, NW., Washington, DC 20210. Attention: Application No. stated in each Notice of Proposed Exemption. The applications for exemption and the comments received will be available for public inspection in the Public Documents Room of Pension and Welfare Benefits Administration, U.S. Department of Labor, Room N–5507, 200 Constitution Avenue, NW., Washington, DC 20210.

Notice to Interested Persons

Notice of the proposed exemptions will be provided to all interested persons in the manner agreed upon by the applicant and the Department within 15 days of the date of publication in the **Federal Register**. Such notice shall include a copy of the notice of proposed exemption as published in the **Federal Register** and shall inform interested persons of their right to comment and to request a hearing (where appropriate).

SUPPLEMENTARY INFORMATION: The proposed exemptions were requested in applications filed pursuant to section 408(a) of the Act and/or section 4975(c)(2) of the Code, and in accordance with procedures set forth in 29 CFR part 2570, subpart B (55 FR 32836, 32847, August 10, 1990). Effective December 31, 1978, section 102 of Reorganization Plan No. 4 of 1978 (43 FR 47713, October 17, 1978) transferred the authority of the Secretary of the Treasury to issue exemptions of the type requested to the Secretary of Labor. Therefore, these notices of proposed exemption are issued solely by the Department.

The applications contain representations with regard to the proposed exemptions which are summarized below. Interested persons are referred to the applications on file with the Department for a complete statement of the facts and representations.

NatWest Securities Corporation, NatWest Securities Limited, Located in New York, New York

[Application Nos. D–10464, D–10465]

Proposed Exemption

The Department is considering granting an exemption under the authority of section 408(a) of the Act and section 4975(c)(2) of the Code and in accordance with the procedures set forth in 29 CFR part 2570, subpart B (55 FR 32836, 32847, August 10, 1990).

Section I—Transactions

A. Effective May 22, 1997, the restrictions of section 406(a)(1) (A) through (D) of the Employee Retirement Income Security Act of 1974 (the Act) and the taxes imposed by section 4975 (a) and (b) of the Internal Revenue Code of 1986 (the Code), by reason of section 4975 (c)(1) (A) through (D) of the Code, shall not apply to any purchase or sale of a security between an employee benefit plan and a broker-dealer affiliated with NatWest Securities Corporation and subject to British law (NatWest/UK Affiliate), if the following conditions, and the conditions of Section II, are satisfied:

(1) The NatWest/UK Affiliate customarily purchases and sells securities for its own account in the ordinary course of its business as a broker-dealer.

(2) Such transaction is on terms at least as favorable to the plan as those which the plan could obtain in an arm's length transaction with an unrelated party.

(3) Neither the NatWest/UK Affiliate nor an affiliate thereof has discretionary authority or control with respect to the investment of the plan assets involved in the transaction, or renders investment advice (within the meaning of 29 CFR 2510.3–21(c)) with respect to those assets, and the NatWest/UK Affiliate is a party in interest or disqualified person with respect to the plan assets involved in the transaction solely by reason of section 3(14)(B) of the Act or section 4975(e)(2)(B) of the Code, or by reason of a relationship to a person described in such sections. For purposes of this paragraph, the NatWest/UK Affiliate shall not be deemed to be a fiduciary with respect to a plan solely by reason of providing securities custodial services for a plan.

B. Effective May 22, 1997, the restrictions of section 406(a)(1) (A) through (D) of the Act and the taxes imposed by section 4975 (a) and (b) of the Code, by reason of section 4975(c)(1) (A) through (D) of the Code, shall not apply to the lending of securities that are assets of an employee benefit plan to an NatWest/UK Affiliate if the following conditions, and the conditions of Section II, are satisfied:

(1) Neither the NatWest/UK Affiliate (the Borrower) nor an affiliate of the Borrower has discretionary authority or control with respect to the investment of the plan assets involved in the transaction, or renders investment advice (within the meaning of 29 CFR

2510.3–21(c)) with respect to those assets;

(2) The plan receives from the Borrower, either by physical delivery or by book entry in a securities depository located in the United States, by the close of business on the day on which the securities lent are delivered to the Borrower, collateral consisting of U.S. currency, securities issued or guaranteed by the United States Government or its agencies or instrumentalities, or irrevocable United States bank letters of credit issued by a person other than the Borrower or an affiliate thereof, or any combination thereof, having, as of the close of business on the preceding business day, a market value (or, in the case of letters of credit, a stated amount) equal to not less than 100 percent of the then market value of the securities lent. The collateral referred to in this Section I(B)(2) must be held in the United States;

(3) Prior to the making of any such loan, the Borrower shall have furnished the following items to the fiduciary for the plan who is making decisions on behalf of the plan with respect to the lending of securities (the Lending Fiduciary): (1) The most recent available audited statement of the Borrower's financial condition, (2) the most recent available unaudited statement of the Borrower's financial condition (if more recent than such audited stated), and (3) a representation that, at the time the loan is negotiated, there has been no material adverse change in the Borrower's financial condition since the date of the most recent financial statement furnished to the plan that has not been disclosed to the Lending Fiduciary. Such representation may be made by the Borrower's agreement that each such loan shall constitute a representation by the Borrower that there has been no such material adverse change;

(4) The loan is made pursuant to a written loan agreement, the terms of which are at least as favorable to the plan as those which the plan could obtain in an arm's-length transaction with an unrelated party. Such agreement may be in the form of a master agreement covering a series of securities-lending transactions;

(5) The plan (1) receives a reasonable fee that is related to the value of the borrowed securities and the duration of the loan, or (2) has the opportunity to derive compensation through the investment of cash collateral. Where the plan has that opportunity, the plan may pay a loan rebate or similar fee to the Borrower, if such fee is not greater than the plan would pay an unrelated party in an arm's-length transaction;

(6) The plan receives the equivalent of all distributions made to holders of the borrowed securities during the term of the loan, including, but not limited to, cash dividends, interest payments, shares of stock as a result of stock splits and rights to purchase additional securities;

(7) If the market value of the collateral on the close of trading on a business day is less than 100 percent of the market value of the borrowed securities at the close of trading on that day, the Borrower shall deliver, by the close of business on the following business day, an additional amount of collateral (as described in paragraph (2)) the market value of which, together with the market value of all previously delivered collateral, equals at least 100 percent of the market value of all the borrowed securities as of such preceding day. Notwithstanding the foregoing, part of the collateral may be returned to the Borrower if the market value of the collateral exceeds 100 percent of the market value of the borrowed securities, as long as the market value of the remaining collateral equals at least 100 percent of the market value of the borrowed securities;

(8) The loan may be terminated by the plan at any time, whereupon the Borrower shall deliver certificates for securities identical to the borrowed securities (or the equivalent thereof in the event of reorganization, recapitalization or merger of the issuer of the borrowed securities) to the plan within (1) the customary delivery period for such securities, (2) three business days, or (3) the time negotiated for such delivery by the plan and the Borrower, whichever is lesser; and

(9) In the event the loan is terminated and the Borrower fails to return the borrowed securities or the equivalent thereof within the time described in paragraph (8) above, then (i) the plan may, under the terms of the loan agreement, purchase securities identical to the borrowed securities (or their equivalent as described above) and may apply the collateral to the payment of the purchase price, any other obligations of the Borrower under the agreement, and any expenses associated with the sale and/or purchase, and (ii) the Borrower is obligated, under the terms of the loan agreement, to pay, and does pay to the plan, the amount of any remaining obligations and expenses not covered by the collateral plus interest at a reasonable rate. Notwithstanding the foregoing, the Borrower may, in the event the Borrower fails to return borrowed securities as described above, replace non-cash collateral with an amount of cash not less than the then current market value of the collateral, provided such replacement is approved by the Lending Fiduciary.

(10) If the Borrower fails to comply with any condition of this exemption, in the course of engaging in a securities-lending transactions, the plan fiduciary who caused the plan to engage in such transaction shall not be deemed to have caused the plan to engage in a transaction prohibited by section 406(a)(1) (A) through (D) of the Act solely by reason of the Borrower's failure to comply with the conditions of the exemption.

C. Effective May 22, 1997, the restrictions of sections 406(a)(1) (A) through (D) and 406(b)(2) of the Act and the taxes imposed by section 4975 (a) and (b) of the Code shall not apply to any extension of credit to an employee benefit plan by an NatWest/UK Affiliate to permit the settlement of securities transactions or in connection with the writing of options contracts provided that the following conditions are met:

(a) The NatWest/UK Affiliate is not a fiduciary with respect to any assets of such plan, unless no interest or other consideration is received by such fiduciary or any affiliate thereof in connection with such extension of credit; and

(b) Such extension of credit would be lawful under the Securities Exchange Act of 1934 and any rules or regulations thereunder if such act, rules or regulations were applicable.

Section II—General Conditions

A. The NatWest/UK Affiliate is registered as a broker-dealer with the Securities and Futures Authority of the United Kingdom (the S.F.A.)

B. The NatWest/UK Affiliate is in compliance with all requirements of Rule 15a–6 (17 CFR 240.15a–6) under the Securities and Exchange Act of 1934, which provides for foreign broker-dealers a limited exemption from U.S. registration requirements;

C. Prior to the transaction, the NatWest/UK Affiliate enters into a written agreement with the plan in which the NatWest/UK Affiliate consents to the jurisdiction of the courts of the United States with respect to the transactions covered by this exemption;

D. (1) The NatWest/UK Affiliate maintains or causes to be maintained within the United States for a period of six years from the date of such transaction such records as are necessary to enable the persons described in this section to determine whether the conditions of this exemption have been met; except that a

party in interest with respect to an employee benefit plan, other than the NatWest/UK Affiliate, shall not be subject to a civil penalty under section 502(i) of the Act or the taxes imposed by section 4975(a) or (b) of the Code, if such records are not maintained, or are not available for examination as required by this section, and a prohibited transaction will not be deemed to have occurred if, due to circumstances beyond the control of the NatWest/UK Affiliate, such records are lost or destroyed prior to the end of such six year period;

(2) The records referred to in subsection (1) above are unconditionally available for examination during normal business hours by duly authorized employees of (a) the Department of Labor, (b) the Internal Revenue Service, (c) plan participants and beneficiaries, (d) any employer of plan participants and beneficiaries, and (e) any employee organization any of whose members are covered by such plan; except that none of the persons described in (c) through (e) of this subsection shall be authorized to examine trade secrets of NatWest Securities Corporation or the NatWest/UK Affiliate or any commercial or financial information which is privileged or confidential.

III—Definitions

Affiliate of a person shall include: (i) Any person directly or indirectly, through one or more intermediaries, controlling, controlled by, or under common control with such other person; (ii) any officer, director, or partner, employee or relative (as defined in section 3(15) of the Act) of such other person; and (iii) any corporation or partnership of which such other person is an officer, director or partner. For purposes of this definition, the term ''control'' means the power to exercise a controlling influence over the management or policies of a person other than an individual.

Security shall include equities, fixed income securities, options on equity and on fixed income securities, government obligations, and any other instrument that constitutes a security under U.S. securities laws. The term ''security'' does not include swap agreements or other notional principal contracts.

Summary of Facts and Representations

1. NatWest Securities Corporation (NatWest) is a securities firm operating primarily in the United States, with additional activities in the major markets worldwide. It engages primarily in securities brokerage activities on an agency basis. Clients include major corporations, pension funds, investment funds including mutual funds, and financial institutions.

2. NatWest has foreign affiliates world wide who are in the business of trading securities, including a broker-dealer affiliate in London, England (the NatWest/UK Affiliate), currently NatWest Securities Limited. NatWest represents that in the ordinary course of their business as broker-dealers, these foreign affiliates customarily operate as traders in dealers markets wherein the broker-dealer purchases and sells securities for its own account and engages in purchases and sales of securities with its clients, and that such trades are referred to as principal transactions. NatWest states that in issuing Prohibited Transaction Class Exemption 75–1 (PTCE 75–1, 40 FR 50845, October 31, 1975) the Department has recognized the functions of registered broker-dealers in principal transactions on behalf of clients which are employee benefit plans covered by the Act. Part II of PTCE 75–1 provides exemptive relief from section 406(a) of the Act for principal transactions between plans and broker-dealers which are registered under the Securities Exchange Act of 1934, provided all requirements stated in Part II are satisfied. NatWest represents that, like the U.S. dealer markets, international equity and debt markets, including the options markets, are no less dependent on a willingness of dealers to trade as principals. In the absence of an exemption for principal transactions, such as PTCE 75–1, those responsible for trading activities on behalf of plan investors would be prevented from engaging in transactions with those broker-dealers and banks that provide the markets for the securities and are most capable of handling such transactions.

3. NatWest represents that over the past decade, plans have increasingly invested in foreign equity and debt securities, including foreign government securities. NatWest states that plans seeking to enter into such investments may wish to increase the number of trading partners available to them by trading with foreign broker-dealers such as the NatWest/UK Affiliate. However, where NatWest provides services to such plans which are covered by the Act, principal transactions with the NatWest/UK Affiliate would be prohibited by the Act. The exemptive relief afforded U.S. broker-dealers by PTCE 75–1 would not be available with respect to the NatWest/UK Affiliate because that class exemption is limited to broker-dealers registered with the U.S. Securities and Exchange Commission (S.E.C.) under the Securities Exchange Act of 1934 (the 1934 Act). NatWest represents that its NatWest/UK Affiliate is not so registered but, instead, is governed by the rules, regulations and registration requirements of the Securities and Futures Authority of the United Kingdom (the S.F.A.). Furthermore, NatWest represents that Rule 15(a)–6 of the 1934 Act offers foreign broker-dealers limited exemption from the S.E.C. registration requirements pursuant to provisions with which the NatWest/UK Affiliate is able to comply. However, NatWest states that because of the S.E.C. registration requirement of PTCE 75–1, the NatWest/UK Affiliate is prevented from engaging in principal transactions with plans with respect to which NatWest is a party in interest, even though such affiliate is registered with the S.F.A., experienced in the markets, and able to satisfy the Rule 15(a)–6 requirements for S.E.C. registration exemption. Accordingly, NatWest is requesting an individual exemption to permit its NatWest/UK Affiliate to engage in principal transactions with plans under the terms and conditions set forth herein, which NatWest represents are equivalent to those set forth in PTCE 75–1, Part II. [1]

4. The proposed exemption will be applicable only to transactions affected by an NatWest/UK Affiliate which is registered as a broker-dealer with the S.F.A. and in compliance with Rule 15(a)–6. NatWest represents that the role of a broker-dealer in a principal transaction in the United Kingdom is substantially identical to that of a broker-dealer in a principal transaction in the United States. NatWest further represents that registration of a broker-dealer with the S.F.A. is equivalent to registration of a broker-dealer with the S.E.C. under the 1934 Act. NatWest maintains that the S.F.A. has promulgated rules for broker-dealers which are equivalent to S.E.C. rules, relating to registration requirements, minimum capitalization, reporting requirements, periodic examinations, fund segregation, client protection, and enforcement. NatWest represents that the rules and regulations set forth by the S.F.A. and the S.E.C. share a common objective: The protection of the investor by the regulation of securities markets.

[1] The Department notes that the proposed principal transactions are subject to the fiduciary responsibility requirements of part 4, subtitle B, title I of the Act. Section 404(a) of the Act requires, among other things, that a fiduciary of a plan act prudently, solely in the interest of the plan's participants and beneficiaries, and for the exclusive purpose of providing benefits to participants and beneficiaries when making investment decisions on behalf of a plan.

NatWest explains that under S.F.A. rules, persons who manage investments or give advice with respect to investments must be registered as a ''registered representative''. If a person is not a registered representative and, as part of his duties, makes commitments in market dealings or transactions, that persons must be registered as a ''registered trader''. NatWest represents that the S.F.A. rules require each firm which employs registered representatives or registered traders to have positive tangible net worth and be able to meet its obligations as they fall due, and that the S.F.A. rules set forth comprehensive financial resource and reporting/disclosure rules regarding capital adequacy. In addition to demonstration of capital adequacy, NatWest states that the S.F.A. rules impose reporting/disclosure requirements on broker-dealers with respect to risk management, internal controls, and all records relating to a counterparty, and that all records must be produced at the request of the S.F.A. at any time. NatWest states that S.F.A.'s registration requirements for broker-dealers are backed up by potential fines and penalties, and rules which establish a comprehensive disciplinary system.

5. NatWest represents that in addition to the protections which are afforded by registration with S.F.A., compliance with the requirements of Rule 15a–6 (17 CFR 240.15a–6) under the 1934 Act will offer additional protections in lieu of registration with the S.E.C. NatWest states that Rule 15a–6 provides an exemption from U.S. broker-dealer registration for a foreign broker-dealer that induces or attempts to induce the purchase or sale of any security (including over-the-counter equity and debt options) by a ''U.S. institutional investor'' or a ''U.S. major institutional investor'', provided that the foreign broker dealer, among other things, enters into these transactions through a U.S. registered broker-dealer intermediary. The term ''U.S. institutional investor'', as defined in Rule 15a–6(b)(7), includes an employee benefit plan within the meaning of the Employee Retirement Income Security Act of 1974 (the Act) if (a) the investment decision is made by a plan fiduciary, as defined in section 3(21) of the Act, which is either a bank, savings and loan association, insurance company or registered investment advisor, or (b) the employee benefit plan has total assets in excess of $5 million, or (c) the employee benefit plan is a self-directed plan with investment decisions made solely by persons that are *accredited investors* as defined in Rule 501(a)(1) of Regulation D of the Securities Act of 1933, as amended. The term *U.S. major institutional investor* is defined as a person that is a U.S. institutional investor that has total assets in excess of $100 million. NatWest represents that the intermediation of the U.S. registered broker-dealer imposes upon the foreign broker-dealer the requirement that the securities transaction be effected in accordance with a number of U.S. securities laws and regulations applicable to U.S. registered broker-dealers.

NatWest represents that under Rule 15a–6, a foreign broker-dealer that induces or attempts to induce the purchase or sale of any security by a U.S. institutional or major institutional investor in accordance with Rule 15a–6 must, among other things:

(a) Consent to service of process for any civil action brought by, or proceeding before, the S.E.C. or any self-regulatory organization

(b) Provide the S.E.C. with any information or documents within its possession, custody or control, any testimony of any such foreign associated persons, and any assistance in taking the evidence of other persons, wherever located, that the S.E.C. requests and that relates to transactions effected pursuant to the Rule

(c) Rely on the U.S. registered broker-dealer through which the transactions with the U.S. institutional and major institutional investors are effected to (among other things):

(1) Effect the transactions, other than negotiating their terms

(2) Issue all required confirmations and statements

(3) As between the foreign broker-dealer and the U.S. registered broker-dealer, extend or arrange for the extension of credit in connection with the transactions

(4) Maintain required books and records relating to the transactions, including those required by Rules 17a–3 (Records to be Made by Certain Exchange Members) and 17a–4 (Records to be Preserved by Certain Exchange Members, Brokers and Dealers) of the 1934 Act

(5) Receive, deliver, and safeguard funds and securities in connection with the transactions on behalf of the U.S. institutional investor or U.S. major institutional investor in compliance with Rule 15c3–3 of the 1934 Act (Customer Protection—Reserves and Custody of Securities); and

(6) Participate in all oral communications (e.g., telephone calls) between the foreign associated person and the U.S. institutional investor (not the U.S. major institutional investor), and accompany the foreign associated person on all visits with both U.S. institutional and major institutional investors. By virtue of this participation, the U.S. registered broker-dealer would become responsible for the content of all these communications.

6. NatWest represents that a normal part of the execution of securities transactions by broker-dealers on behalf of customers, including employee benefit plans, is the extension of credit to customers to permit the settlement of transactions in the customary settlement period, and that such extensions of credit are also customary activities of broker-dealers in connection with the writing of option contracts. NatWest notes that exemptive relief for such transactions is provided under Part V of PTCE 75–1. However, the exemptive relief under Part V of PTCE 75–1, like that under Part II, is available only with respect to broker-dealers which are registered with the S.E.C. under the 1934 Act. Accordingly, NatWest requests that the exemption include relief for extensions of credit by the NatWest/UK affiliate in the ordinary course of the purchase or sale of securities, regardless of whether they are effected on an agency or a principal basis. The proposed exemption provides relief for extensions of credit by the NatWest/UK Affiliate to a plan to permit the settlement of securities transactions or in connection with the writing of options contracts, provided that the NatWest/UK Affiliate is not a fiduciary with respect to any assets of the plan, unless no interest or other consideration is received by the NatWest/UK Affiliate in connection with such extension of credit. The proposed exemption also requires that the extension of credit would be lawful under the 1934 Act and any rules or regulations thereunder if such act, rules, or regulations were applicable.

7. In addition to exemptive relief for principal transactions and extensions of credit in connection with the purchase or sale of securities, NatWest is also requesting exemptive relief for the lending of securities, equivalent to that provided under the terms and conditions of Prohibited Transaction Class Exemption 81–6 (PTCE 81–6, 46 FR 7527, January 23, 1981, amended at 52 FR 18754, May 19, 1987), a class exemption to permit certain loans of securities by employee benefit plans. NatWest represents that in PTCE 81–6 the Department has recognized that securities lending represents a low-risk means of enhancing the investment return of plans with respect to securities that would otherwise be idle. NatWest

represents that the conditions of Section I(B) of the proposed exemption will subject the NatWest/UK Affiliate to all of the conditions imposed on broker-dealers under PTCE 81–6, other than registration under the 1934 Act. NatWest notes that such conditions include requirements relating to daily marking to market, setting collateral at 100 percent of the market value of the securities, the rules for termination of the loan, and return of the borrowed securities. In addition, NatWest notes that the collateral will be in U.S. dollars and will be held in the United States.

8. In summary, the applicant represents that the proposed transactions satisfy the criteria of section 408(a) of the Act for the following reasons: (1) With respect to principal transactions affected by the NatWest/UK Affiliate , the exemption will enable plans to realize the same benefits of efficiency and convenience which derive from principal transactions executed pursuant to Part II of PTCE 75–1 by broker-dealers registered in the United States; (2) With respect to extensions of credit by the NatWest/UK Affiliate in connection with purchases or sales of securities, the exemption will enable the NatWest/UK to extend credit in the ordinary course of business to affect the transactions within the customary settlement period or in connection with the writing of options contracts; (3) With respect to securities lending transactions affected by the NatWest/UK Affiliate, the exemption will enable plans to realize a low-risk return on securities that otherwise would remain idle, as in securities lending transactions executed pursuant to PTCE 81–6 by broker-dealers registered in the United States; and (4) The proposed exemption generally imposes terms and conditions upon the transactions executed by the NatWest/UK Affiliate which are the same as those imposed on U.S. broker-dealers under PTCE 75–1 and PTCE 81–6.

FOR FURTHER INFORMATION CONTACT: Ronald Willett of the Department, telephone (202) 219–8881. (This is not a toll-free number.)

Carl M. Callaway Individual Retirement Account (IRA) Located in Huntington, West Virginia

[Application No. D–10469]

Proposed Exemption

The Department is considering granting an exemption under the authority of section 4975(c)(2) of the Code and in accordance with the procedures set forth in 29 CFR part 2570, subpart B (55 FR 32836, 32847, August 10, 1990). If the exemption is granted the sanctions resulting from the application of section 4975 of the Code, by reason of section 4975(c)(1) (A) through (E) of the Code, shall not apply to the proposed transaction involving a sale or exchange of certain securities (the Sale) by the IRA to Carl M. Callaway and his wife, Marianna F. Callaway, both disqualified persons with respect to the IRA; provided the following conditions are satisfied: (a) The sale or exchange is a one-time transaction constituting an exchange of securities approximately equal in value and any difference in value occurring is immediately eradicated with cash payments by either the Callaways or the IRA, in order to equalize the value of the exchanged assets, (b) the IRA incurs no commissions or other expenses in connection with the transaction, (c) the transaction involves only securities that have a fair market value on the date of the exchange which is objectively determinable through independently and regularly published market prices and quotations, and (d) the IRA tenders as consideration stock valued at an amount equal to the reported closing price of the stock on the date of the Sale and the IRA receives U.S. Treasury notes valued at the reported closing bid on the date of the Sale, plus the accrued interest the notes earned to the date of the Sale.

Summary of Facts and Representations

1. The IRA is an individual retirement account as described under 408(a) of the Code. The IRA was established by Carl M. Callaway who is the sole participant. The custodian of the assets of the IRA is Hilliard-Lyons Inc., a registered broker/dealer headquartered in Louisville, KY, which has an office in Huntington, WV serving the IRA. As of June 27, 1997, the total assets of the IRA were $1,213,813, of which 2.65 percent consists of U.S. Treasury notes and 6.14 percent are corporate notes. There are 53.37 percent of the total assets invested in common stocks and 19.09 percent in mutual funds and 18.66 percent of the total assets is held in cash.

2. Mr. Callaway is semi-retired and presently taking distributions from the IRA. Mr. Callaway desires to reduce the amount of common stock in the IRA and increase its investments in quality corporate bonds and U.S. Treasury securities. Mr. Callaway is concerned that the distributions he is receiving will be adversely affected because, in his opinion, the current holdings of the IRA lack diversification and expose the IRA to the risk inherent in holding thinly traded stocks and other investments that are subject to fluctuations in the stock markets.

Mr. Callaway represents that in order to alleviate this concern, the IRA needs to acquire fixed income investments that are recognizably sound and publicly traded and will generate sufficient cash flows which are able to make the distributions in a timely fashion. To accomplish this portfolio change without the IRA incurring extensive commissions or possible losses from the bid-ask spreads on the securities markets, Mr. Callaway proposes the sale or exchange of certain stocks in the IRA for U.S. Treasury notes owned individually by himself and his wife. Mr. Callaway further represents that the proposed exchange will involve only securities approximately equal in value and the parties to the exchange will provide for cash payments to equalize the value of the securities exchanged. Also Mr. Callaway represents that the value of all investments in this transaction are determinable through regularly published, objective, and independent market prices and quotations.

3. Mr. Callaway proposes that the IRA will exchange with Mrs. Callaway the following shares of stock and receive the following U.S. Treasury notes at closing market values reported on the date of the Sale:

Company	Ticker symbol & exchange
(a) 850 shares, Hewlett Packard.	HWP (NYSE)
(b) 4,970 shares, Horizon Bancorp.	HZWV (NASDAQ)
(c) 500 shares, IBM	IBM (NYSE)
(d) 575 shares, Motorola	MOT (NYSE)
(e) 650 shares, Nokia	NOKA (NYSE)

U.S. Treasury Notes

(a) $25,000 U.S. Treasury note, 7⅛%—due 10/15/98
(b) $215,000 U.S. Treasury note, 7¼%—due 08/15/04
(c) $50,000 U.S. Treasury note, 7⅞%—due 11/15/04

In addition Mr. Callaway proposes that the IRA will exchange with himself the following shares of stock for the following U.S. Treasury note:

(a) 2,000 shares, Horizon Bancorp—HZWV (NASDAQ)
(b) $50,000 U.S. Treasury note, 7¾%—due 2/15/01

4. Mr. Callaway represents that the Sale would permit the custodian of the IRA to make the proposed exchanges with the Callaways and promptly document the transaction and publish it in the monthly statement for the IRA. Furthermore it is represented that the

Sale enables the IRA diversify its portfolio. Mr. Callaway represents that Sale will occur only with the utilization of the fair market values of the involved securities based on the closing prices on the date of the Sale for the stock and the bid prices for the U.S. Treasury notes.

5. In summary, the applicant represents that the proposed transaction satisfies the criteria contained in section 4975(c)(2) of the Code because (a) the sale and exchange will be a one-time transaction involving securities for which market values are readily ascertainable; (b) the IRA will incur no commissions or other expenses from the Sale; (c) the IRA will receive not less than the fair market value of its securities involved in the Sale; and (d) the participant of the IRA has determined that the proposed transaction is appropriate for and in the best interest of his IRA and he desires that the transaction be consummated.

Notice to Interested Persons

Because Mr. Callaway is the only participant in his IRA, it has been determined that there is no need to distribute the notice of proposed exemption to interested persons. Comments and requests for a hearing are due 30 days after publication of this notice in the **Federal Register**.

FOR FURTHER INFORMATION CONTACT: Mr. C.E. Beaver of the Department, telephone (202) 219–8881. (This is not a toll-free number.)

General Information

The attention of interested persons is directed to the following:

(1) The fact that a transaction is the subject of an exemption under section 408(a) of the Act and/or section 4975(c)(2) of the Code does not relieve a fiduciary or other party in interest of disqualified person from certain other provisions of the Act and/or the Code, including any prohibited transaction provisions to which the exemption does not apply and the general fiduciary responsibility provisions of section 404 of the Act, which among other things require a fiduciary to discharge his duties respecting the plan solely in the interest of the participants and beneficiaries of the plan and in a prudent fashion in accordance with section 404(a)(1)(b) of the act; nor does it affect the requirement of section 401(a) of the Code that the plan must operate for the exclusive benefit of the employees of the employer maintaining the plan and their beneficiaries

(2) Before an exemption may be granted under section 408(a) of the Act and/or section 4975(c)(2) of the Code, the Department must find that the exemption is administratively feasible, in the interests of the plan and of its participants and beneficiaries and protective of the rights of participants and beneficiaries of the plan;

(3) The proposed exemptions, if granted, will be supplemental to, and not in derogation of, any other provisions of the Act and/or the Code, including statutory or administrative exemptions and transitional rules. Furthermore, the fact that a transaction is subject to an administrative or statutory exemption is not dispositive of whether the transaction is in fact a prohibited transaction; and

(4) The proposed exemptions, if granted, will be subject to the express condition that the material facts and representations contained in each application are true and complete and accurately describe all material terms of the transaction which is the subject of the exemption. In the case of continuing exemption transactions, if any of the material facts or representations described in the application change after the exemption is granted, the exemption will cease to apply as of the date of such change. In the event of any such change, application for a new exemption may be made to the Department.

Signed at Washington, DC, this 2nd day of September, 1997.

Ivan Strasfeld,

Director of Exemption Determinations Pension and Welfare Benefits Administration, Department of Labor.

[FR Doc. 97–23642 Filed 9–4–97; 8:45 am]

BILLING CODE 4510–29–P

INTERNATIONAL BOUNDARY AND WATER COMMISSION, U.S. SECTION

Privacy Act of 1974; System of Records

AGENCY: International Boundary and Water Commission.

ACTION: Amendment of system of records to include new routine uses.

SUMMARY: In accordance with the Privacy Act (5 U.S.C. 552a(e)(11), the International Boundary & Water Commission is issuing notice of our intent to amend the system of records to include new routine uses. We invite public comment on this publication.

DATES: The changes will become effective as proposed, on October 1, 1997, unless comments which would warrant our preventing the changes from taking effect are received on or before 30 days from the date of this notice.

ADDRESSES: Interested individuals may comment on this publication by writing to (Richard L. Livengood, IBWC, 4171 N. Mesa, Suite C–310, El Paso, TX 79902). All comments received will be available for public inspection at that address.

FOR FURTHER INFORMATION CONTACT: (Richard L. Livengood, IBWC, 4171 N. Mesa, Suite C–310, El Paso, TX 79902).

SUPPLEMENTARY INFORMATION:

I. Discussion of Proposed Additions to Routine Use

Pursuant to the Pub. L. 104–193, the Personal Responsibility and Work Opportunity Reconciliation Act of 1996, the International Boundary and Water Commission will disclose data from its payroll system of records to the Office of Child Support Enforcement, Administration for Children and Families, Department of Health and Human Services for use in its Federal Parent Locator System (FPLS) and Federal Tax Offset System, DHHS/OCSE No. 09–90–0074. Information on this system was last published at 61 FR 38754, July 25, 1996.

FPLS is a computerized network through which States may request location information from Federal and State agencies to find non-custodial parents and/or their employers for purposes of establishing paternity and securing support. Effective October 1, 1997, the FPLS will be enlarged to include the National Directory of New Hires, a database containing information on employees commencing employment, quarterly wage data on private and public sector employees, and information on unemployment compensation benefits. Effective October 1, 1998, the FPLS will be expanded to include a Federal Case Registry. The Federal Case Registry will contain abstracts on all participants involved in child support enforcement cases. When the Federal Case Registry is instituted, its files will be matched on an ongoing basis against the files in the National Directory of New Hires to determine if an employee is a participant in a child support case anywhere in the country. If the FPLS identifies a person as being a participant in a State Child support case, that State will be notified of the participant's current employer. State requests to the FPLS for location information will also continue to be processed after October 1, 1998.

The data to be disclosed by The International Boundary and Water Commission to the FPLS include: Wages earned, income taxes paid both state and federal.

In addition, names and social security numbers submitted by The International Boundary & Water Commission to the FPLS will be disclosed by the Office of Child Support Enforcement to the Social Security Administration for verification to ensure that the social security number provided is correct.

The data disclosed by The International Boundary & Water Commission to the FPLS will also be disclosed by the Office of Child Support Enforcement to the Secretary of the Treasury for use in verifying claims for the advance payment of the earned income tax credit or to verify a claim of employment on a tax return.

II. Compatibility of Proposed Routine Uses

We are proposing these routine uses in accordance with the Privacy Act (5 U.S.C. 552a(b)(3)). The Privacy Act permits the disclosure of information about individuals without their consent for a routine use where the information will be used for a purpose which is compatible with the purpose for which the information was originally collected. The Office of Management and Budget has indicated that a ''compatible'' use is a use which is necessary and proper. *See* OMB Guidelines, 51 FR 18982, 18985 (1986). Since the proposed uses of the data are required by Pub. L. 104–193, they are clearly necessary and proper uses, and therefore ''compatible'' uses which meet Privacy Act requirements.

III. Effect of the Proposed Changes on Individuals

We will disclose information under the proposed routine uses only as required by Pub. L. 104–193 and as permitted by the Privacy Act.

IBWC/US SEC.–1

SYSTEM NAME: Attendance, Leave and Payroll Records of Employees.

* * * * *

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

(1). To the Office of Child Support Enforcement, Administration for Children and Families, Department of Health and Human Services Federal Parent Locator System (FPLS) and Federal Tax Offset System for use in locating individuals and identifying their income sources to establish paternity, establish and modify orders of support and for enforcement action.

(2). To the Office of Child Support Enforcement for release to the Social Security Administration for verifying social security numbers in connection with the operation of the FPLS by the Office of Child Support Enforcement;

(3). To Office of Child Support Enforcement for release to the Department of Treasury for purposes of administering the Earned Income Tax Credit Program (Section 32, Internal Revenue Code of 1986) and verifying a claim with respect to employment in a tax return.

Dated: August 28, 1997.

Richard L. Livengood,

Chief, Financial Services Division.

[FR Doc. 97–23576 Filed 9–4–97; 8:45 am]

BILLING CODE 4710–03–M

NATIONAL SCIENCE FOUNDATION

Advisory Panel for Biological Infrastructure; Notice of Meeting

In accordance with the Federal Advisory Committee Act (Pub. L. 92–463, as amended), the National Science Foundation announces the following meeting:

Name and Committee Code: Advisory Panel for Biological Infrastructure (#1215).

Date and Time: October 15–17, 1977, 8:30 a.m.–5:00 p.m.

Place: National Science Foundation, Room 375, 4201 Wilson Boulevard, Arlington, VA.

Type of Meeting: Closed.

Contact Person: Karl Koehler, Program Director, Biological Instrumentation and Instrument Development, Room 615, National Science Foundation, 4201 Wilson Boulevard, Arlington, VA, Telephone: (703) 306–1472.

Purpose of Meeting: To provide advice and recommendations concerning proposals submitted to NSF for financial support.

Agenda: To review and evaluate Multi-User Biological Sciences (MBE) proposals as part of the selection process for award.

Reason for Closing: The proposals being reviewed include information of a proprietary or confidential nature, including technical information; financial data, such as salaries; and personal information concerning individuals associated with the proposals. These matters are exempt under 5 U.S.C. 552b(c), (4) and (6) of the Government in the Sunshine Act.

Dated: August 29, 1997.

M. Rebecca Winkler,

Committee Management Officer.

[FR Doc. 97–23522 Filed 9–4–97; 8:45 am]

BILLING CODE 7555–01–M

NATIONAL SCIENCE FOUNDATION

Division of Environmental Biology; Notice of Meetings

In accordance with the Federal Advisory Committee Act (Pub. L. 92–463, as amended), the National Science Foundation (NSF) announces the following meetings.

Name: Advisory Panel for Ecological Studies.

Date and Time: October 8–10, 1997, 8:30 am—5:00 pm each day.

Place: Room 390, National Science Foundation, 4201 Wilson Boulevard, Arlington, VA 22230.

Contact Person: Dr. Penelope L. Firth, Program Director, Ecological Studies, Division of Environmental Biology, Room 635, National Science Foundation, 4201 Wilson Boulevard, Arlington, VA 22230. Telephone: (703) 306–1479.

Agenda: To review and evaluate Ecology proposals as part of the selection process for awards.

Name: Advisory Panel for Ecological Studies.

Date and Time: October 9–10, 1997, 8:30 am—5:00 pm each day.

Place: Room 360, National Science Foundation, 4201 Wilson Boulevard, Arlington, VA 22230.

Contact Person: Dr. Gus Shaver, Program Director, Ecological Studies, Division of Environmental Biology, Room 635, National Science Foundation, 4201 Wilson Boulevard, Arlington, VA 22230. Telephone: (703) 306–1479.

Agenda: To review and evaluate Ecosystem Studies proposals as part of the selection process for awards.

Name: Advisory Panel for Ecological Studies.

Date and Time: October 21–24, 1997, 8:00 am—5:00 pm each day.

Place: Room 375, National Science Foundation, 4201 Wilson Boulevard, Arlington, VA 22230.

Contact Person: Dr. Charles O'Kelly, Program Director, Systematic and Population Biology Cluster, Division of Environmental Biology, Room 635, National Science Foundation, 4201 Wilson Boulevard, Arlington, VA 22230. Telephone: (703) 306–1481.

Agenda: To review and evaluate Systematic Biology proposals as part of the selection process for awards.

Name: Advisory Panel for Systematic and Population Biology.

Date and Time: October 7–10, 1997, 8:00 am—5:30 pm each day.

Place: Rooms 370 & 380, National Science Foundation, 4201 Wilson Boulevard, Arlington, VA 22203.

Contact Person: Dr. Mark W. Courtney, Program Director, Systematic and Population Biology Cluster, Division of Environmental Biology, Room 635, National Science Foundation, 4201 Wilson Boulevard, Arlington, VA 22203. Telephone: (703) 306–1481.

Agenda: To review and evaluate Population Biology proposals as part of the selection process for awards.

Type of Meetings: Closed.

Purpose of Meetings: To provide advice and recommendations concerning support for research proposals submitted to the NSF for financial support.

Reason for Closing: The proposals being reviewed include information of a

proprietary or confidential nature, including technical information: financial data, such as salaries; and personal information concerning individuals associated with the proposals. These matters are exempt under 5 U.S.C. 552b(c) (4) and (6) of the Government in the Sunshine Act.

Dated: August 29, 1997.

M. Rebecca Winkler,

Committee Management Officer.

[FR Doc. 97–23526 Filed 9–4–97; 8:45 am]

BILLING CODE 7555–01–M

NATIONAL SCIENCE FOUNDATION

Special Emphasis Panel in Elementary, Secondary and Informal Education; Notice of Meeting

In accordance with the Federal Advisory Committee Act (Pub. L. 92–463, as amended), the National Science Foundation announces the following meeting.

Name: Special Emphasis Panel in Elementary, Secondary and Informal Education (#59).

Date and Time: October 16, 17, 18, 1997, 8:30 a.m. to 5:00 p.m. each day.

Place: Room 375, 4201 Wilson Boulevard, National Science Foundation, Arlington, VA 22230.

Type of Meeting: Closed.

Contact Person: Dr. John S. Bradley, Program Director, Instructional Materials Development Programs, Division of Elementary, Secondary and Informal Education, National Science Foundation, Room 885, 4201 Wilson Boulevard, Arlington, VA 22230, Tel. (703) 306–1614).

Purpose of Meeting: To provide advice and recommendations concerning proposals submitted to NSF for financial support.

Agenda: To review and evaluate Instructional Materials Development proposals as part of the selection process for awards.

Reason for Closing: The proposals being reviewed include information of a proprietary or confidential nature including technical information, financial data such as salaries, and personal information concerning individuals associated with the proposals. These matters are within exemptions (4) and (6) of 5 U.S.C. 552b(c), the Government in the Sunshine Act.

Dated: August 29, 1997.

Rebecca Winkler,

Committee Management Officer.

[FR Doc. 97–23523 Filed 9–4–97; 8:45 am]

BILLING CODE 7555–01–M

NATIONAL SCIENCE FOUNDATION

Special Emphasis Panel in Elementary, Secondary and Informal Education; Notice of Meeting

In accordance with the Federal Advisory Committee Act (Pub. L. 92–463, as amended), the National Science Foundation announces the following meeting.

Name: Special Emphasis Panel in Elementary, Secondary and Information Education (#59).

Date and Time: October 23, 24, 25, 1997, 8:30 a.m. to 5:00 p.m. each day.

Place: Headquarters Room, Arlington Hilton and Towers, 950 North Stafford Street, Arlington, VA 22203.

Type of Meeting: Closed.

Contact Person: Dr. Susan P. Snyder, Section Head Teacher Enhancement Program Division of Elementary, Secondary and Informal Education, National Science Foundation, Room 885, 4201 Wilson Boulevard, Arlington, VA 22230, Tel. (703) 306–1613.

Purpose of Meeting: To provide advice and recommendations concerning proposals submitted to NSF for financial support.

Agenda: To review and evaluate Teacher Enhancement proposals as part of the selection process for awards.

Reason for Closing: The proposals being reviewed include information of a proprietary or confidential nature including technical information, financial data such as salaries, and personal information concerning individuals associated with the proposals. These matters are within exemptions (4) and (6) of 5 U.S.C. 552b(c), the Government in the Sunshine Act.

Dated: August 29, 1997.

M. Rebecca Winkler,

Committee Management Officer.

[FR Doc. 97–23524 Filed 9–4–97; 8:45 am]

BILLING CODE 7555–01–M

NATIONAL SCIENCE FOUNDATION

Advisory Committee for Engineering; Committee of Visitors; Notice of Meeting

In accordance with the Federal Advisory Committee Act (Pub. L. 92–463, as amended), the National Science Foundation announces the following meeting.

Name: Advisory Committee for Engineering, (1170).

Date and time: September 24–26, 8:00 a.m.–5:00 p.m.

Place: Rm. 530,580, NSF, 4201 Wilson Boulevard, Arlington, VA.

Type of Meeting: Closed.

Contact Person: Dr. Gary Poehlein, Division Director, Division of Chemical and Transport Systems (CTS), Room 525 National Science Foundation, 4201 Wilson Boulevard, Arlington, VA 22230. Telephone: (703) 306–1371.

Purpose of Meeting: To carry out Committee of Visitors (COV) review, including examination of decisions on proposals, reviewer comments, and other privileged materials.

Agenda: To provide oversight review of the Chemical and Transport Systems Division.

Reason for Closing: The meeting is closed to the public because the Committee is reviewing proposal actions that will include privileged intellectual property and personal information that could harm individuals if they are disclosed. If discussions were open to the public, these matters that are exempt under 5 U.S.C. 552b(c) (4) and (6) of the Government in the Sunshine Act would be improperly disclosed.

Dated: August 29, 1997.

M. Rebecca Winkler,

Committee Management Officer.

[FR Doc. 97–23525 Filed 9–4–97; 8:45 am]

BILLING CODE 7555–01–M

NUCLEAR REGULATORY COMMISSION

[Docket Nos. 50–206, 50–361 and 50–362]

San Diego Gas and Electric Company (San Onofre Nuclear Generating Station, Units 1, 2 and 3); Order Approving Application Regarding the Corporate Restructuring of Enova Corporation, Parent of San Diego Gas and Electric Company, by Establishment of a Holding Company With Pacific Enterprises

I

San Diego Gas and Electric Company (SDG&E) is a co-owner of San Onofre Nuclear Generating Station (SONGS), Units 1, 2 and 3, along with Southern California Edison (SCE), The City of Riverside, California (Riverside), and The City of Anaheim, California (Anaheim). SDG&E, SCE, Riverside and Anaheim are co-holders of Possession Only License No. DPR–13, and Facility Operating License Nos. NPF–10, and NPF–15, issued by the U.S. Nuclear Regulatory Commission (the Commission) pursuant to Part 50 of Title 10 of the *Code of Federal Regulations* (10 CFR Part 50) on October 23, 1992, February 16, 1982, and November 15, 1982, respectively. Under these licenses, SDG&E, SCE, Riverside, and Anaheim have the authority to possess the San Onofre Nuclear Generating Station, Units 1, 2 and 3, while SCE is authorized to operate Units 2 and 3. SONGS is located in San Diego County, California.

II

By letter dated December 2, 1996, SDG&E, through its counsel Richard A. Meserve of Covington & Burling, informed the Commission that its parent company, Enova Corporation was engaging in a corporate restructuring plan with Pacific Enterprises that will result in the creation of a holding company under the name Mineral Energy Company of which Enova and Pacific Enterprises would become

subsidiaries. SDG&E would continue to be a subsidiary of Enova. Under the restructuring, there will be no change in the capital structure of SDG&E. SDG&E will continue to hold the SONGS licenses to the same extent as presently held; there will be no direct transfer of the SONGS licenses. The December 2, 1996, letter requested the Commission's approval pursuant to 10 CFR 50.80, to the extent necessary, in connection with the proposed restructuring. Notice of this request for approval was published in the **Federal Register** on July 1, 1997 (62 FR 35532).

Under 10 CFR 50.80, no license shall be transferred, directly or indirectly, through transfer of control of the license, unless the Commission shall give its consent in writing. Upon review of the information submitted in the letter of December 2, 1996, and other information before the Commission, the NRC staff has determined that the restructuring of Enova, parent company of SDG&E, will not affect the qualifications of SDG&E as co-holder of the licenses, and that the transfer of control of the licenses for SONGS, to the extent effected by the restructuring of Enova, is otherwise consistent with applicable provisions of law, regulations, and orders issued by the Commission, subject to the conditions set forth herein. These findings are supported by a Safety Evaluation dated August 29, 1997.

III

Accordingly, pursuant to Sections 161b, 161i, 161o, and 184 of the Atomic Energy Act of 1954, as amended, 42 U.S.C 2201(b), 2201(i), 2201(o), and 2234, and 10 CFR 50.80, *It Is Hereby Ordered* that the Commission approves the application concerning the proposed restructuring of Enova, parent company of SDG&E, subject to the following conditions: (1) SDG&E shall provide the Director of the Office of Nuclear Reactor Regulation a copy of any application, at the time it is filed, to transfer (excluding grants of security interests or liens) from SDG&E to its parent or to any other affiliated company, facilities for the production, transmission, or distribution of electric energy having a depreciated book value exceeding ten percent (10%) of SDG&E's consolidated net utility plant, as recorded on SDG&E's books of account; and (2) should the restructuring of Enova as described herein not be completed by August 31, 1998, this Order shall become null and void, provided, however, on application and for good cause shown, such date may be extended.

This Order is effective upon issuance.

IV

By October 6, 1997, any person adversely affected by this Order may file a request for a hearing with respect to issuance of the Order. Any person requesting a hearing shall set forth with particularity how that interest is adversely affected by this Order and shall address the criteria set forth in 10 CFR 2.714(d).

If a hearing is to be held, the Commission will issue an order designating the time and place of such hearing.

The issue to be considered at any such hearing shall be whether this Order should be sustained.

Any request for a hearing must be filed with the Secretary of the Commission, U.S. Nuclear Regulatory Commission, Washington, D.C. 20555, Attention: Rulemaking and Adjudications Staff, or may be delivered to the Commission's Public Document Room, the Gelman Building, 2120 L Street, NW., Washington, D.C. by the above date. Copies should be also sent to the Office of the General Counsel, and to the Director, Office of Nuclear Reactor Regulation, U.S. Nuclear Regulatory Commission, Washington, D.C. 20555, and to Richard A. Meserve, Covington & Burling, 1201 Pennsylvania Avenue, NW., Post Office Box 7566, Washington, D.C. 20044–7566, attorney for SDG&E.

For further details with respect to this action, see the December 2, 1996 letter application, which is available for public inspection at the Commission's Public Document Room, the Gelman Building, 2120 L Street, NW., Washington, D.C., and at the local public document room located at the Main Library, University of California, Irvine, California 92718.

Dated at Rockville, Maryland, this 29th day of August 1997.

For the Nuclear Regulatory Commission.

Samuel J. Collins,

Director, Office of Nuclear Reactor Regulation.

[FR Doc. 97–23596 Filed 9–4–97; 8:45 am]

BILLING CODE 7590–01–P

NUCLEAR REGULATORY COMMISSION

Finding of No Significant Impact Related to Amendment to Materials License SMB–602, RMI Titanium Company

AGENCY: Nuclear Regulatory Commission.

ACTION: Finding of No Significant Impact Associated with Amendment to Materials License SMB–602, RMI Titanium Company, Extrusion Plant, Ashtabula, Ohio, to Authorize Decommissioning of RMI Extrusion Plant Site.

The U.S. Nuclear Regulatory Commission is considering a license amendment request submitted by the RMI Titanium Company (hereafter RMI or the licensee) for decommissioning of its extrusion plant facility.

On August 28, 1995, NRC published a Notice of Consideration of Amendment Request for Decommissioning the RMI Titanium Company Site in Ashtabula, Ohio, and Opportunity for Hearing (60 FR 44517). NRC did not receive any response to that notice.

Summary of the Environmental Assessment

Identification of the Proposed Action

The proposed action is the decommissioning of RMI's extrusion plant facility in Ashtabula, Ohio, in accordance with RMI's decommissioning plan submitted April 27, 1995 (DP) and supplemental submittals. In this action, RMI is proposing to remediate the extrusion plant site for release for unrestricted use consistent with the NRC ''Action Plan to Ensure Timely Cleanup of Site Decommissioning Management Plan Sites'' (57 FR 13389; April 16, 1992; hereafter Action Plan). Decommissioning activities would include decontamination and dismantlement of the extrusion plant equipment and buildings (D&D), remediation of contaminated soils and groundwater, restoration of affected areas, and offsite disposal of radioactive decommissioning wastes (primarily uranium). Most radioactive wastes from decommissioning activities will be Class A low-level radioactive waste (LLW).

The release criterion for total uranium in soil is 1.1 Bq (30 pCi)/g. Release criteria for groundwater are: total uranium, 1.1 Bq (30 pCi)/l; and technetium-99 (Tc-99), 33.3 Bq (900 pCi)/l. Clarification of these criteria for groundwater is provided in a staff note to the docket file.

Uranium residues in various physical forms (such as metal turnings and uranium oxide dust) were generated under contract to the U.S. Department of Energy (DOE) and under NRC license SMB–602. As a consequence of those operations, the process and support buildings, onsite and adjacent offsite soils, and groundwater near a former evaporation pond are known to be contaminated with uranium (uranium-234, uranium-235, and uranium-238) at

levels that exceed NRC's Action Plan guidelines for release of the facilities and site for unrestricted use.

Technetium-99 (a contaminant in recycled uranium) has been measured in concentrations above background in the soil and groundwater. The licensee also identified elevated levels of thorium-230 (Th-230) in sediment from a former evaporation pond. The nature and extent of soil contamination due to Tc-99 and Th-230 continues to be evaluated by the licensee.

The RMI extrusion plant buildings and equipment also contain a limited amount of mixed wastes (hazardous wastes contaminated primarily with uranium). Mixed wastes will be shipped offsite, treated, and disposed in accordance with the RMI Site Treatment Plan, which was prepared by DOE to comply with the Federal Facility Compliance Act.

Groundwater and soils around a former evaporation pond are also contaminated with tricholoethylene (TCE). The area contaminated with TCE will be remediated in accordance with U.S. Environmental Protection Agency (EPA) requirements. Other hazardous wastes (limited in amount) will be shipped offsite in accordance with EPA and Ohio Environmental Protection Agency requirements.

The Need for the Proposed Action

The licensee does not plan any further manufacturing or processing at its extrusion plant facility, and wants to terminate its 10 CFR Part 40 license and withdraw from NRC-licensed activities at the site. The termination of the license would require the decontamination and decommissioning of the facility so that it could be released for unrestricted use in accordance with NRC requirements.

Environmental Impacts of the Proposed Action

The short-term radiological impacts resulting from the proposed action involve the release of air and water effluents, which may contain low levels of residual radioactive contamination, to the environment. These effluents will be generated from excavation of soils, dismantlement of buildings, and other decommissioning activities. The radiological consequences of these effluents on workers and the public are estimated to be well below NRC's occupational and public dose limits. The release of radioactive air and water effluents is controlled by NRC regulations in 10 CFR Part 20, Appendix B. The licensee is required to comply with these regulations. The licensee has committed to use RMI's DP, health physics manual, and ALARA program manual to keep effluents from the proposed decommissioning activities below levels established in 10 CFR Part 20, Appendix B.

Potential radiological impacts on workers from the proposed decommissioning activities will be below the NRC occupational dose limit of 50 millisieverts/yr (mSv/yr)(5 rem/yr), as required in 10 CFR 20.1201(a)(1)(i). The average dose to the onsite worker would be 0.17 mSv/yr (1.7E–2 rem/yr) for performing building D&D, and 9.8E–2 mSv/yr (9.8E–3 rem/yr) for performing soil remediation activities. The dose pathways would be inhalation of radioactive airborne dust and direct radiation.

Potential radiological impacts to the public from normal operations are expected to be well below the NRC public limit of 1 mSv/yr (100 millirem/yr (mrem/yr)) dose limit, as required in 10 CFR 20.1301(a)(1). The total effective dose equivalent (TEDE) to the maximally exposed individual member of the public (MEI) would be 6.8E–9 mSv/yr (6.8E–07 mrem/yr) from D&D operations, and 1.9E–3 mSv/yr (1.9E–1 mrem/yr) from soil remediation activities. Doses would occur principally from inhalation of fugitive radioactive airborne dust.

Doses from the transportation of LLW (under non-accident conditions) are as follows: average worker dose would be 2.9 mSv/yr (0.29 rem/yr), and the TEDE for the MEI would be 6.1E–7 mSv/yr (6.1E–05 mrem/yr). Potential doses would be from direct radiation exposure during transport of LLW to disposal or processing facilities.

Doses from the maximum credible accident scenario (a transportation accident that results in the failure of the LLW containment vessel, and subsequent release of respirable uranium oxide material) would be 3 millisieverts (mSv) (0.3 rem) for both a worker and the MEI.

The short-term nonradiological impacts of decommissioning are not expected to be significant. There is a beneficial long-term impact associated with the proposed action: when remediated, the RMI extrusion plant site would be suitable for release for unrestricted use.

Conclusion

On the basis of the NRC staff's evaluation of the applicant's proposed action, as described in RMI's DP and supporting documentation and from NRC staff field inspection of the applicant's facility, the staff concludes that the proposed action will not result in any significant environmental impact. The staff recommends that the proposed action, with its radiation protection and site safety programs, be implemented.

Alternatives to the Proposed Action

The NRC staff identified two alternatives to the proposed action: (1) no action and (2) onsite disposal of LLW. The no-action alternative represents the status quo, and would constitute continued surveillance and maintenance of the contaminated site. These conditions would be noncompliant with NRC requirements for cleanup of inactive nuclear material processing facilities, RMI's RCRA permit, and the RMI/DOE contract.

Onsite disposal of wastes (under 10 CFR 20.2002 and Option 2 of NRC's Branch Technical Position on Disposal or Onsite Stroage of Thorium and Uranium Wastes from Past Operations) is not a viable alternative, because the groundwater table on the site is very shallow. Waste disposed onsite would not meet NRC guidance for depth to water table from the waste.

Agencies and Persons Consulted

The NRC staff prepared an Environmental Assessment (EA) for this license amendment. Staff consulted with the Ohio Department of Health, Ohio Environmental Protection Agency, and U.S. EPA for review of the EA.

Finding of No Significant Impact

Based on the NRC staff's Environmental Assessment related to amending License SMB–602, the Commission concludes that the proposed action will not have a significant impact on the quality of the human environment. Accordingly, the Commission has determined not to prepare an Environmental Impact Statement and that a Finding of No Significant Impact is appropriate.

Additional Information

The Environmental Assessment and the documents related to this proposed action are available for public inspection and copying at the NRC's Public Document Room, 2120 L Street, NW., Washington, DC 20555.

For additional information, contact Dr. Ronald B. Uleck, Project Manager, Materials Decommissioning Section, Low-Level Waste and Decommissioning Projects Branch, Division of Waste Management, Office of Nuclear Materials Safety and Safeguards, (301) 415–6722.

Dated at Rockville, Maryland, this 29th day of August 1997.

For the U.S. Nuclear Regulatory Commission.

John W.N. Hickey,

Chief, Low-Level Waste and Decommissioning Projects Branch, Division of Waste Management, Office of Nuclear Material Safety and Safeguards

[FR Doc. 97–23597 Filed 9–4–97; 8:45 am]

BILLING CODE 7590–01–P

NUCLEAR REGULATORY COMMISSION

Advisory Committee on the Medical Uses of Isotopes: Meeting Notice

AGENCY: U.S. Nuclear Regulatory Commission.

ACTION: Notice of meeting.

SUMMARY: The U.S. Nuclear Regulatory Commission will convene a meeting of the Advisory Committee on the Medical Uses of Isotopes (ACMUI) on September 25–26, 1997. The meeting will take place at the address provided below. All sessions of the meeting will be open to the public, except where specifically noted otherwise.

Topics of discussion will include: (1) An evaluation of the ACMUI and the composition of its membership; (2) an update on the revision of 10 CFR part 35 and associated activities; (3) a discussion of the requirements for (a) a Quality Management Program, (b) a radiation safety committee, (c) training and experience, and (d) notification of patients; (4) a discussion of possible options for revising the 1979 Medical Policy Statement; and (5) a discussion of previous ACMUI recommendations. Additionally, the staff will provide an update on several rulemakings and regulatory guides: (1) Rulemaking for part 33, ''Specific Domestic Licenses of Broad Scope for Byproduct Material;'' (2) petition for rulemaking for carbon-14 use; (3) petition from the University of Cincinnati regarding 10 CFR 20.1301, and (4) radiopharmacy guidance.

In addition, on September 25, 1997, from 8:00 a.m. to 8:30 a.m., there will be a closed session of the ACMUI to discuss ethics rules and their application. This session will be closed on the grounds that the meeting will relate solely to internal personnel rules and/or practices of the agency and will involve information the disclosure of which would constitute a clearly unwarranted invasion of personal privacy.

DATES: The meeting will begin at 8:30 a.m., on September 25, 1997, and 8:00 a.m. on September 26, 1997.

ADDRESSES: U.S. Nuclear Regulatory Commission, Two White Flint North, 11545 Rockville Pike, Room T2B3, Rockville, MD 20852–2738.

FOR FURTHER INFORMATION CONTACT: Diane Flack, U.S. Nuclear Regulatory Commission, Office of Nuclear Material Safety and Safeguards, MS T8F5, Washington, DC 20555, Telephone (301) 415–5681.

Conduct of the Meeting

Judith Ann Stitt, M.D., will chair the meeting. Dr. Stitt will conduct the meeting in a manner that will facilitate the orderly conduct of business. The following procedures apply to public participation in the meeting:

1. Persons who wish to provide a written statement should submit a reproducible copy to Diane Flack (address listed previously), by September 18, 1997. Statements must pertain to the topics on the agenda for the meeting.

2. At the meeting, questions from members of the public will be permitted at the discretion of the Chairman.

3. The transcript and written comments will be available for inspection, and copying, for a fee, at the NRC Public Document Room, 2120 L Street, N.W., Lower Level, Washington, DC 20555, telephone (202) 634–3273, on or about October 3, 1997. Minutes of the meeting will be available on or about November 14, 1997.

4. Seating for the public will be on a first-come, first-served basis.

This meeting will be held in accordance with the Atomic Energy Act of 1954, as amended (primarily Section 161a); the Federal Advisory Committee Act (5 U.S.C. App); and the Commission's regulations in Title 10, *U.S. Code of Federal Regulations,* part 7.

Dated: August 29, 1997.

Kenneth R. Hart,

Acting Secretary of the Commission.

[FR Doc. 97–23610 Filed 9–4–97; 8:45 am]

BILLING CODE 7590–01–P

PANAMA CANAL COMMISSION

Submission for OMB Review; Comment Request

AGENCY: Panama Canal Commission.

ACTION: Notice.

SUMMARY: In accordance with the requirements of the Paperwork Reduction Act of 1995 (Pub. L. 104–13, 109 Stat. 163), the Panama Canal Commission (PCC) hereby gives notice it has submitted to the Office of Management and Budget for approval of a Paperwork Reduction Act Submission (83–I) for a revision of a currently approved collection of information entitled Subchapter C of Chapter I, Title 35, Code of Federal Regulations, OMB No. 3207–0001. In accordance with sec. 3506(c)(2)(A) of the Paperwork Reduction Act of 1995, PCC published a notice in the **Federal Register** [62 FR 29165, May 29, 1996] requesting comment on this proposed collection. The comment period ended July 28, 1997. PCC received no comments in response to that notice.

DATES: Written comments on this proposed action regarding the collection of information must be submitted by October 6, 1997.

ADDRESSES: Address all comments concerning this notice to Edward H. Clarke, Desk Officer for Panama Canal Commission, Office of Information and Regulatory Affairs, Room 3228, New Executive Office Building, Office of Management and Budget, Washington, D.C. 20503.

FOR FURTHER INFORMATION CONTACT: For a complete copy of the collection of information or related information, contact Ruth Huff, Office of the Secretary, Panama Canal Commission, 202–634–6441.

SUPPLEMENTARY INFORMATION: Under the Paperwork Reduction Act of 1995 (44 U.S.C. 3501 *et seq.*), Federal agencies must obtain approval from the Office of Management and Budget (OMB) for each collection of information they conduct or sponsor. Collection of information is defined in 44 U.S.C, 3502(3) and 5 CFR 1320.3(c). Section 3507(a)(1)(D) of the Paperwork Reduction Act of 1995 requires Federal agencies to provide a notice in the **Federal Register** stating that the agency has made such submission and setting forth the following information:

Title: Subchapter C (Shipping and Navigation) of Chapter I, 35 CFR.

Abstract: Article III of the Panama Canal Treaty of 1977 and section 1101 of its implementing legislation, Pub. L. 96–70, as amended, vests in the Panama Canal Commission the responsibility and authority to maintain and operate the Panama Canal. Section 1801 of Pub. L. 96–70, codified at 22 U.S.C. 3811, explicitly authorizes the Commission to promulgate regulations governing navigation of the waters of the Panama Canal. The information, required by various sections of Subchapter C (Shipping and Navigation) of Title 35 of the Code of Federal Regulations, and obtained through the use of the subject forms, is essential for the Commission to carry out its mission in a safe and efficient manner.

Needs and Uses: On December 24, 1981, OMB approved a collection of

information proposals submitted by the Panama Canal Commission in conjunction with a revision of its navigation regulations (35 CFR Chapter I, Subchapter C), and assigned this collection OMB Number 3207–0001 with an expiration date of December 31, 1984. Prior to the expiration of the collection, PCC requested another extension and received OMB approval through March 31, 1988. PCC continued requesting approval in subsequent expiration years and received extensions through August 31, 1991, September 30, 1994 and September 30, 1997. The forms required by those regulations, which make up the collection of information, are used to collect, from vessels arriving in the Panama Canal waters, information required to assure the vessels are in compliance with Panama Canal Commission shipping and navigation regulations. The information collected will be used for economic analyses, traffic forecasting, identification, tonnage calculation, billing, safety and sanitation purposes.

Description of Respondents: Canal users.

Frequency of Response: When arriving in Panama Canal waters.

Estimated Number of Respondents: 16,487.

Estimated Total Hours per Response: 2.

Estimated Total Annual Hour Burden: 32,974.

Jacinto Wong,

Chief Information Officer, Senior Official for Information Resources Management.

[FR Doc. 97–23536 Filed 9–4–97; 8:45 am]

BILLING CODE 3640–04–P

OFFICE OF PERSONNEL MANAGEMENT

Proposed Collection; Comment Request for Review of a Revised Information Collection: Form RI 95–4

AGENCY: Office of Personnel Management.

ACTION: Notice.

SUMMARY: In accordance with the Paperwork Reduction Act of 1995 (Public Law 104–13, May 22, 1995), this notice announces that the Office of Personnel Management (OPM) intends to submit to the Office of Management and Budget a request for review of a revised information collection. RI 95–4, Marital Information Required of Refund Applicants for Federal Employees Retirement System (FERS), is used by OPM to pay refunds of retirement contributions when the information is not included on the SF 3106, Application for Refund for Retirement Deductions (FERS). To pay these benefits, all applicants for refund must provide information to OPM about their marital status and whether any spouse(s) or former spouse(s) have been informed of the proposed refund.

Approximately 5000 RI 95–4 forms will be completed annually. We estimate it takes approximately 30 minutes to complete the form. The annual burden is 2,500 hours.

For copies of this proposal, contact Jim Farron on (202) 418–3208, or E-mail to jmfarron@opm.gov.

DATES: Comments on this proposal should be received within 60 calendar days from the date of this publication.

ADDRESSES: Send or deliver comments to—John C. Crawford, Chief, FERS Division, Retirement and Insurance Service, U.S. Office of Personnel Management, 1900 E Street, NW, Room 3313, Washington, DC 20415.

FOR INFORMATION REGARDING ADMINISTRATIVE COORDINATION—CONTACT: Mary Beth Smith-Toomey, Management Services Division, (202) 606–0623.

Office of Personnel Management.

James B. King,

Director.

[FR Doc. 97–23538 Filed 9–4–97; 8:45 am]

BILLING CODE 6325–01–M

OFFICE OF PERSONNEL MANAGEMENT

Submission for OMB Review and Request for Comments on Federal Wage System Data Collection Forms

AGENCY: U.S. Office of Personnel Management.

ACTION: Notice.

SUMMARY: In accordance with the Paperwork Reduction Act of 1995 (Public Law 104–13, May 22, 1995), this notice announces that the Office of Personnel Management (OPM) has submitted to the Office of Management and Budget a request for review of data collection forms. The Establishment Information Form, the Wage Data Collection Form, and the Wage Data Collection Continuation Form are wage survey forms developed by OPM and used by two lead agencies, the Department of Defense and the Department of Veterans Affairs. Data collectors survey 21,200 businesses annually to determine the level of wages paid by private sector establishments for representative jobs common to both private industry and the Federal Government. Each survey collection requires 1–4 hours of respondent burden, resulting in a total yearly burden of 75,800 hours. The lead agencies use this information to establish rates of pay for Federal Wage System employees. For copies of this proposal, contact Jim Farron on (202) 418–3208, or email to jmfarron@mail.opm.gov.

DATES: Comments on this proposal must be received within 30 calendar days after September 5, 1997.

ADDRESSES: Send or deliver comments to—Donald J. Winstead, Assistant Director for Compensation Policy, Human Resources Systems Service, Office of Personnel Management, 1900 E Street NW., Room 7H31, Washington, DC 20415.

FOR INFORMATION REGARDING ADMINISTRATION COORDINATION CONTACT: Angela Graham Humes, Wage Systems Division, (202) 606–2848.

U.S. Office of Personnel Management.

James B. King,

Director.

[FR Doc. 97–23537 Filed 9–4–97; 8:45 am]

BILLING CODE 6325–01–M

OFFICE OF PERSONNEL MANAGEMENT

Excepted Service

AGENCY: Office of Personnel Management.

ACTION: Notice.

SUMMARY: This gives notice of positions placed or revoked under Schedules A and B, and placed under Schedule C in the excepted service, as required by Civil Service Rule VI, Exceptions from the Competitive Service.

FOR FURTHER INFORMATION CONTACT:

Patricia H. Paige, Staffing Reinvention Office, Employment Service (202) 606–0830.

SUPPLEMENTARY INFORMATION: The Office of Personnel Management published its last monthly notice updating appointing authorities established or revoked under the Excepted Service provisions of 5 CFR part 213 on July 25, 1997 (62 FR 40124). Individual authorities established or revoked under Schedules A and B and established under Schedule C between July 1, 1997, and July 31, 1997, appear in the listing below. Future notices will be published on the fourth Tuesday of each month, or as soon as possible thereafter. A consolidated listing of all authorities as of June 30 will also be published.

Schedule A

The following Schedule A authorities were established during July 1997.

Department of the Treasury

Not to exceed 20 positions in the Office of the Under Secretary (Enforcement). Employment under this authority may not exceed 4 years, and no new appointments may be made after July 31, 2001. Effective July 17, 1997.

Department of Defense

Positions at grades GS–3 through GS–12 within any Department of Defense agency or office with National Security responsibilities when filled by National Security Education Program scholarship and fellowship recipients. Appointments under this authority may not exceed 4 years. Effective July 28, 1997.

The following Schedule A authorities were revoked during July 1997.

Department of Commerce

One position of Administrative Assistant, GS–301–8, in the Office of Economic Affairs. New appointments may not be made after March 30, 1979. Effective July 21, 1997.

Not to exceed 20 professional and scientific positions at grades GS–9 through GS–12 filled by participants in the ASA research trainee program. Employment of any individual under this authority may not exceed 2 years. Effective July 21, 1997.

Subject to prior approval of OPM, which shall not be contingent upon a showing of inadequate housing facilities, meteorological aid positions at the following stations in Alaska: Barrow, Bethal, Kotzebue, McGrath, Northway, and St. Paul Island. Effective July 21, 1997.

Schedule B

No Schedule B authorities were established or revoked during July 1997.

Schedule C

The following Schedule C authorities were established during July 1997.

Commodity Futures Trading Commission

Special Assistant to the Commissioner. Effective July 24, 1997.

Department of Agriculture

Confidential Assistant to the Deputy Assistant Secretary for Policy and Planning. Effective July 7, 1997.

Confidential Assistant to the Director, Civil Rights. Effective July 18, 1997.

Director for Public Outreach to the Director, Office of Communications. Effective July 30, 1997.

Staff Assistant to the Assistant Deputy Chief of Staff. Effective July 30, 1997.

Department of the Army (DOD)

Special Assistant to the Deputy Under Secretary of the Army (International Affairs). Effective July 30, 1997.

Department of Defense

International Counterdrug Specialist to the Deputy Assistant Secretary of Defense (Drug Enforcement Policy and Support). Effective July 2, 1997.

Nine positions of Defense Fellow to the Special Assistant for White House Liaison. Effective July 7, 1997.

Defense Fellow to the Special Assistant for White House Liaison. Effective July 25, 1997.

Department of Education

Confidential Assistant to the Assistant Secretary (Office of Postsecondary Education). Effective July 3, 1997.

Confidential Assistant to the Special Advisor to the Secretary. Effective July 10, 1997.

Confidential Assistant to the Director, Intergovernmental and Interagency Coordination. Effective July 17, 1997.

Special Assistant to the Assistant Secretary, Office of Special Education and Rehabilitative Services. Effective July 24, 1997.

Director, White House Initiative on Hispanic Education to the Assistant Secretary, Office of Intergovernmental and Interagency Affairs. Effective July 24, 1997.

Confidential Assistant to the Chief of Staff. Effective July 24, 1997.

Special Assistant to the Counselor to the Secretary. Effective July 25, 1997.

Special Assistant to the Deputy Assistant Secretary for Regional Services. Effective July 28, 1997.

Department of Energy

Director, Office of Scheduling and Logistics to the Assistant Secretary for Human Resources and Management. Effective July 2, 1997.

Deputy Director, Scheduling and Logistics to the Director, Scheduling and Logistics. Effective July 2, 1997.

Confidential Assistant to the Director, Scheduling and Logistics. Effective July 2, 1997.

Briefing Book Coordinator to the Director, Scheduling and Logistics. Effective July 2, 1997.

Confidential Assistant to the Director, Scheduling and Logistics. Effective July 2, 1997.

Intergovernmental Specialist to the Deputy Assistant Secretary, Office of Planning, Budget and Policy, Effective July 11, 1997.

Director of Communications to the Assistant Secretary for Energy Efficiency and Renewable Energy. Effective July 17, 1997.

Special Projects Officer to the Director, Office of Public Relations. Effective July 18, 1997.

Special Assistant to the Assistant Secretary for Energy Efficiency and Renewable Energy. Effective July 28, 1997.

Department of Housing and Urban Development

Deputy Assistant Secretary for Public Housing Investments to the Assistant Secretary, Public and Indian Housing. Effective July 7, 1997.

Executive Assistant to the Assistant Secretary for Housing, Federal Housing Commissioner. Effective July 14, 1997.

Special Assistant to the Deputy Assistant Secretary for Community Empowerment. Effective July 24, 1997.

Secretary's Representative (Great Plains) to the Deputy Secretary. Effective July 31, 1997.

Legal Issues Coordinator to the Deputy General Counsel for Program and Regulations. Effective July 31, 1997.

Associate General Deputy Secretary to the Assistant Secretary for Housing. Effective July 31, 1997.

Department of the Interior

Special Assistant to the Director, National Park Service. Effective July 2, 1997.

Special Assistant to the Director, National Park Service. Effective July 2, 1997.

Special Assistant to the Deputy Chief of Staff. Effective July 18, 1997.

Staff Assistant to the Director, Office of Surface of Mining. Effective July 24, 1997.

Department of Justice

Special Assistant to the Assistant Attorney General, Civil Rights Division. Effective July 3, 1997.

Assistant to the Commissioner. Effective July 11, 1997.

Assistant to the Attorney General. Effective July 18, 1997.

Special Assistant to the Chairman, United States Postal Commission. Effective July 21, 1997.

Department of Labor

Special Assistant to the Deputy Secretary of Labor. Effective July 1, 1997.

Director of Scheduling and Advance to the Chief of Staff. Effective July 8, 1997.

Counselor to the Deputy Secretary of Labor. Effective July 11, 1997.

Confidential Assistant to the Secretary of Labor. Effective July 21, 1997.

Press Secretary to the Assistant Secretary for Public Affairs. Effective July 22, 1997.

Special Assistant to the Assistant Secretary for Public Affairs. Effective July 28, 1997.

Department of State

Deputy Assistant Secretary to the Assistant Secretary, Bureau of International Organizations Affairs. Effective July 11, 1997.

Deputy Assistant Secretary to the Assistant Secretary, Bureau of International Organization Affairs. Effective July 11, 1997.

Special Assistant to the Ambassador-at-Large. Effective July 14, 1997.

Special Assistant to the Director, Foreign Service Institute. Effective July 29, 1997.

Department of the Treasury

Economist to the Deputy Secretary of the Treasury. Effective July 10, 1997.

Public Affairs Specialist to the Director, Office of Public Affairs. Effective July 31, 1997.

Department of Veterans Affairs

Executive Assistant to the Acting Secretary of Veterans Affairs. Effective July 28, 1997.

Special Assistant to the Director, National Cemetery System. Effective July 28, 1997.

Environmental Protection Agency

Deputy Associate Administrator for State and Local Relations to the Associate Administrator. Effective July 15, 1997.

Export-Import Bank of the United States

Personal and Confidential Assistant to the Chairman. Effective July 22, 1997.

Special Assistant to the President and Chairman, Export Import Bank of the United States. Effective July 29, 1997.

Federal Communications Commission

Special Advisor to the Bureau Chief, Cable Services Bureau. Effective July 3, 1997.

Special Assistant for Legislative Affairs to the Chairman. Effective July 11, 1997.

Federal Mine Safety and Health Review Commission

Confidential Assistant to the Commissioner. Effective July 18, 1997.

General Services Administration

Special Assistant to the Regional Administrator (Boston, MA). Effective July 24, 1997.

Office of National Drug Control Policy

Events Assistant to the Director. Effective July 10, 1997.

Staff Assistant to the Chief of Staff. Effective July 22, 1997.

Small Business Administration

Deputy to the Associate Deputy Administrator, Office of Economic Development. Effective July 22, 1997.

United States Information Agency

Special Assistant to the Director, Office of International Visitors. Effective July 17, 1997.

Confidential Assistant to the Director, Voice of America. Effective July 24, 1997.

United States Tax Court

Six positions of Trial Clerk to a Judge. Effective July 17, 1997.

United States Trade and Development Agency

Special Assistant for the Public Affairs and Marketing to the Director, Trade and Development Agency. Effective July 17, 1997.

Authority: 5 U.S.C. 3301 and 3302; E.O. 10577, 3 CFR 1943–1958 Comp., P.218.

Office of Personnel Management.

James B. King,

Director.

[FR Doc. 97–23539 Filed 9–4–97; 8:45 am]

BILLING CODE 6325–01–M

PHYSICIAN PAYMENT REVIEW COMMISSION

Commission Meeting

AGENCY: Physician Payment Review Commission.

ACTION: Notice of meeting.

SUMMARY: The Commission will hold its next public meeting on Thursday, September 18, 1997 and Friday, September 19, 1997, at the Sheraton City Centre, 1143 New Hampshire Avenue, NW., Washington, DC. The meeting will be in the New Hampshire One and Two rooms. The meetings are tentatively scheduled to begin at 9 a.m. on September 18th and 19th.

Among the topics the Commission will discuss are:

- its work plan for the coming year,
- key provisions of the Balanced Budget Act of 1997,
- access to care for Medicare beneficiaries,
- implementation of practice expense relative values,
- development of resource-based malpractice expense relative values,
- risk adjustment,
- Medicare spending, and
- federal premium contribution.

The Commission will also be briefed by John Eisenberg, M.D. concerning the agenda of the Agency for Health Care Policy and Research, and Janet Corrigan, Ph.D. concerning the work of the President's Advisory Commission on Consumer Protection and Quality. A panel on the progress of AHCPR's Consumer Assessment of Health Plans is also planned.

Final agendas will be mailed on September 12, 1997 and will be available on the Commission's web site (www.pprc.gov) at that time.

ADDRESSES: 2120 L Street, NW.; Suite 200; Washington, DC 20037. The telephone number is 202/653–7220.

FOR FURTHER INFORMATION CONTACT: Ann Johnson, Executive Assistant, at 202/653–7220.

SUPPLEMENTARY INFORMATION: If you are not on the Commission mailing list and wish to receive an agenda, please call 202/653–7220 after September 12, 1997.

Lauren LeRoy,

Executive Director.

[FR Doc. 97–23614 Filed 9–4–97; 8:45 am]

BILLING CODE 6820–SE–M

SECURITIES AND EXCHANGE COMMISSION

[Investment Company Act Release No. 22804; 812–10682]

GE Funds, et al.; Notice of Application

August 29, 1997.

AGENCY: Securities and Exchange Commission (''SEC'').

ACTION: Notice of application for an order under section 17(b) of the Investment Company Act of 1940 (the ''Act'') for an exemption from section 17(a) of the Act.

SUMMARY OF APPLICATION: Applicants seek an order to permit certain series of GE Funds to acquire all of the assets and assume certain of the liabilities of certain series of the Investors Trust.

APPLICANTS: GE Funds (the ''Company'') and Investors Trust (the ''Trust'').

FILING DATES: The application was filed on May 23, 1997, and amended on August 28, 1997.

HEARING OR NOTIFICATION OF HEARING: An order granting the application will be issued unless the SEC orders a hearing. Interested persons may request a hearing by writing to the SEC's Secretary and serving applicants with a copy of the request, personally or by mail. Hearing requests should be

received by the SEC by 5:30 p.m. on September 23, 1997, and should be accompanied by proof of service on applicants, in the form of an affidavit, or, for lawyers, a certificate of service. Hearing requests should state the nature of the writer's interest, the reason for the request, and the issues contested. Persons may request notification of a hearing by writing to the SEC's Secretary.

ADDRESSES: Secretary, SEC, 450 Fifth Street, N.W., Washington, D.C. 20549. Applicants: GE Funds, 3003 Summer Street, Stamford, CT 06905; Investors Trust, Suite 5600, Two Union Square, 601 Union Street, Seattle, WA 98101.

FOR FURTHER INFORMATION CONTACT: Kathleen L. Knisely, Staff Attorney, at (202) 942–0517, or Christine Y. Greenlees, Branch Chief, at (202) 942–0564 (Division of Investment Management, Office of Investment Company Regulation).

SUPPLEMENTARY INFORMATION: The following is a summary of the application. The complete application may be obtained for a fee from the SEC's Public Reference Branch, 450 Fifth Street, N.W., Washington, D.C. 20549 (tel. 202–942–8090).

Applicants' Representations

1. The Company and the Trust are both Massachusetts business trusts registered under the Act as open-end management investment companies. The Company currently is comprised of thirteen series, including GE Short-Term Government Fund, GE Tax-Exempt Fund, GE Mid-Cap Growth Fund, GE Government Securities Fund, and GE Value Equity Fund (the ''Acquiring Funds'').[1]

2. The Trust currently is comprised of five series, including Investors Trust Adjustable Rate Fund, Investors Trust Government Fund, Investors Trust Tax Free Fund, Investors Trust Value Fund, and Investors Trust Growth Fund (the ''Acquired Funds''). The Acquiring Funds and the Acquired Funds are referred to individually as a ''Fund'' and collectively as the ''Funds.''

3. GE Investment Management Incorporated (''GEIM''), a wholly-owned subsidiary of the General Electric Company (''GE''), and GNA Capital Management, Inc. (''GNA Capital''), an indirect, wholly-owned subsidiary of GE, serve as investment advisers to the Acquiring Funds and the Acquired Funds, respectively. GEIM and GNA Capital are registered as investment advisers under the Investment Advisers Act of 1940. GNA Capital has engaged certain unaffiliated sub-advisers for each of the Acquired Funds.

4. GE, through its subsidiaries and affiliates, owns in excess of 5% of the total outstanding voting securities of each of the Funds (except for GE Value Equity Fund and GE Government Securities Fund, which are new series of the Company, and Investors Trust Government Fund).

5. The Company, on behalf of the Acquiring Funds, and the Trust, on behalf of the Acquired Funds, entered into an Agreement and Plan of Reorganization (the ''Agreement'') to effectuate the proposed reorganization (the ''Reorganization''). The Company, on behalf of each Acquiring Fund, proposes to acquire all of the assets of the corresponding Acquired Fund in exchange for shares of the Acquiring Fund with an aggregate net asset value equal to that of the assets transferred minus the liabilities of the Acquired Fund that will be assumed by the Acquiring Fund. Each Acquired Fund will endeavor to discharge all of its known liabilities and obligations prior to a closing presently expected to occur on or about September 26, 1997 (the ''Closing Date''). Each Acquiring Fund will assume all liabilities, expenses, costs, charges, and reserves of the corresponding Acquired Fund reflected on an unaudited statement of assets and liabilities of the Acquired Fund as of the close of regular trading on the New York Stock Exchange (''NYSE'') on the closing Date. Each Acquiring Fund will assume only those liabilities reflected in the unaudited statement of assets and liabilities of the corresponding Acquired Fund and certain indemnification obligations contained in the Agreement, and will not assume any other liabilities (other than certain indemnification obligations specified in the Agreement).[2]

6. Each Acquiring Fund operates as a multiple class fund and offers four classes of shares: Class A, Class B, Class C, and Class D shares. Shares of each of the Acquiring Funds are, or will be, offered to investors at net asset value and are identical, except for varying services made available to shareholders and varying expenses borne by each class. Each Acquired Fund operates as a multiple class fund and offers two classes of shares: Class A and Class B shares. The two classes are identical, except as to distribution and sales charges and the expenses borne by each class. The characteristics of Class A and Class B shares of each Acquiring Fund are similar to those of the Acquired Funds. The investment objectives, policies, and restrictions of each of the Acquiring Funds and the corresponding Acquired Fund are substantially similar.

7. The Company and the Trust each have adopted, pursuant to rule 12b–1 under the act, Shareholder Servicing and Distribution Plans (the ''Plans''), pursuant to which each of the Funds pays GE Investment Services Inc. (''GEIS''), a wholly-owned subsidiary of GEIM, and GNA Distributors, respectively, fees for shareholder and distribution services. Class A and Class B shareholders of the Acquired Funds will, upon consummation of the Reorganization, become subject to the Company's Plans. Class A shares of each Acquired Fund are subject to a 12b–1 service fee equal to a maximum of .25% of annual average net assets. Class B shares of each Acquired Fund are subject to 12b–1 service and distribution fees equal to a maximum of .25% and .75% of annual average net assets, respectively. Class A shares of each Acquiring Fund are, and will continue to be, subject to a 12b–1 fee equal to .50% of annual average net assets. Class B shares of each Acquiring Fund, other than GE Short-Term Government Fund, will be subject to a 12b–1 fee equal to 1.00% of annual average net assets. Class B shareholders of GE Short-Term Government Fund will be subject to a 12b–1 fee equal to .85% of annual average net assets. Class B shareholders of the Acquired Funds will, however, remain subject to their contingent deferred sales charge schedule until their automatic conversion into Class A shares of the Company after eight years. Class B shareholders of the Acquired Funds will receive credit for the number of years they held Class B Acquired Fund shares prior to the consummation of the Reorganization. Shares of each Acquiring Fund received by shareholders of an Acquired Fund pursuant to the Reorganization will not otherwise be subject to any sales charges as a result of the Reorganization.

8. On or before the Closing Date, each Acquired Fund will have declared a dividend and/or other distribution that, together with all previous dividends

[1] The registration statements for the GE Government Securities Fund and GE Value Equity Fund were declared effective by the SEC on July 25, 1997, and these Funds, along with GE Mid-Cap Growth Fund, are expected to commence operations upon the consummation of the transactions described in this application.

[2] It is anticipated that the liabilities of the Acquired Fund to be reflected in the closing statement of assets and liabilities and to be assumed by the Acquiring Fund will consist of all of the known non-contingent liabilities of the Acquired Fund. If at the time of valuation there should be any known contingent liability or any known absolute but unquantified liability of the Acquired Fund, the parties to the Reorganization would agree to an appropriate procedure for the satisfaction of such liability, *e.g.,* insurance, indemnity, or establishment of reserve.

and other distributions, will have the effect of distributing to the Acquired Fund's shareholders all taxable income for all taxable years ending on or prior to the Closing Date and for its current taxable year through the Closing Date (computed without regard to any deduction for such dividends paid) and all of its net capital gain realized in all such taxable years (after reduction for any capital loss carryforward).

9. As soon as practicable after the Closing Date, each Acquired Fund will distribute in kind *pro rata* to its shareholders of record determined as of the close of regular trading on the NYSE on the Closing Date (the ''Valuation Time''), in liquidation of the Acquired Fund, the shares of the Acquiring Fund received by it pursuant to the Reorganization. Such distribution will be accomplished by the establishment of an account in the name of each shareholder of the Acquired Fund on the share records of the Acquiring Fund's transfer agent and the transfer to each such account of a number of shares of the Acquiring Fund representing the respective *pro rata* number of full and fractional shares of the Acquiring Fund due to such shareholder of the Acquired Fund. The number of full and fractional Class A and Class B shares of each Acquiring Fund to be issued to shareholders of the corresponding Acquired Fund will be determined on the basis of the relative net asset values of the Acquired Fund and the Acquiring Fund computed as of the Valuation Time. After such distribution and the winding up of its affairs, the Acquired Fund will be terminated

10. Pursuant to the Reorganization, GEIM will become each Acquiring Fund's sole investment adviser, except for GE Tax-Exempt Fund, which will retain Brown Brothers Harriman & Co. (''Brown Brothers''), sub-adviser to Investors Trust Tax Free Fund, as its sub-adviser.

11. On May 15 and 16, 1997, the boards of trustees of the Company and the Trust (including their respective non-interested trustees), respectively, approved the Agreement. After considering the relevant factors concerning the advisability of the Reorganization, each board found that participation in the Reorganization was in the best interests of the relevant Fund and that the interests of the existing shareholders of each relevant Fund would not be diluted as a result of the Reorganization.

12. In assessing the Reorganization and the terms of the Agreement, the factors considered by the boards of the Company the Trust included: (a) The relative past growth in assets and investment performance of the Funds; (b) the future prospects of the Funds, both under circumstances where they are not reorganized and where they are reorganized; (c) the compatibility of the investment objectives, policies, and restrictions of the Funds; (d) the effect of the Reorganization on the expense ratios of each Fund based on a comparison of the expense ratios of each Acquiring Fund with those of the corresponding Acquired Fund on a ''pro forma'' basis; (e) the fact that GEIM would be bearing the costs of the Reorganization; (f) whether any future cost savings could be achieved by combining the Funds; (g) the tax-free nature of the Reorganization; and (h) alternatives to the Reorganization.

13. In approving the Agreement, the Trust's board considered that the GE Short-Term Government Fund has a more favorable performance record that the IT Adjustable Rate Fund, and the IT Tax Free Fund has a better performance record than the GE Tax-Exempt Fund. As noted above, GE Tax-Exempt Fund will retain the IT Tax Free Fund's sub-adviser. In considering the Reorganization and the Agreement, each board noted that the investment objectives, policies, and restrictions of each Acquiring Fund and the corresponding Acquired Fund were substantially similar.

14. Each board also recognized the fact that the Funds would not bear any of the expenses of the Reorganization. GEIM will bear the costs attributable to the establishment of the two new Acquiring Funds and all of the expenses of the Reorganization. Costs and fees of the Reorganization will be the responsibility of GEIM whether or not the Reorganization is consummated. These expenses include professional fees and the cost of soliciting proxies for the meeting of the Acquired Funds and the GE Tax-Exempt Fund shareholders, consisting principally of printing and mailing expenses, together with the cost of any supplementary solicitation. Additionally, GNA Capital will bear some of the indirect costs of the Reorganization by providing employee time and effort in the planning, preparation, and consummation of the Reorganization.

15. The board of the Trust also noted that, apart from changes in fund expenses, the Reorganization was not anticipated to have any adverse effect upon the shareholders of the Acquired Fund and might provide instead, enhanced opportunities for growth, diversification, investment efficiency, and the continued opportunity to accord their respective shareholders the benefits of a family of funds. After considering all the relevant factors, each board, including the non-interested trustees, concluded that any potential benefits to GE, GEIM, GNA Capital and their affiliates as a result of the Reorganization are on balance outweighed by the benefits of the Reorganization to each Fund and its shareholders.

16. Consummation of the Reorganization is subject to the conditions set forth in the Agreement, including: (a) The parties shall have received exemptive relief from the SEC with respect to the issues that are the subject of the application; (b) the shareholders of each Acquired Fund will have approved the Reorganization; and (c) in the case of the reorganization of GE Tax-Exempt Fund, that Fund's shareholders shall have approved Brown Brothers as sub-adviser and changes to certain investment policies and restrictions.

17. Applicants filed with the SEC a prospectus/proxy statement describing the Reorganization, and a proxy statement respecting GE Tax-Exempt Fund on June 6, 1997, and July 3, 1997, respectively. Applicants sent the prospectus/proxy statement to shareholders on or about July 31, 1997, for their approval at a shareholder meeting expected to be held on or about September 15, 1997.

18. Notwithstanding approval of the Agreement by the shareholders of the Acquired Funds, the Closing Date may be postponed and the Agreement may be terminated prior to the Closing Date by: (a) Mutual agreement of the parties; (b) either party because a material breach by the other party of any representation, warranty, or agreement contained in the Agreement has occurred; or (c) either party because a condition to the obligation of the terminating party cannot be met. Applicants agree not to make any material changes to the Agreement without prior SEC approval.

Applicants' Legal Analysis

1. Section 17(a) of the Act, in relevant part, prohibits an affiliated person of a registered investment company, or any affiliated person of such person, acting as principal, from knowingly selling to or purchasing from such registered investment company or any company controlled by such registered company, any security or other property.

2. Section 2(a)(3) of the Act defines the term ''affiliated person'' of another person to include, in pertinent part, any person directly or indirectly owning, controlling, or holding with power to vote, 5% or more of the outstanding voting securities of such other person,

and any person directly or indirectly controlling, controlled by, or under common control with such other person, and if such other person is an investment company, any investment adviser thereof.

3. Rule 17a–8 under the Act exempts from the prohibitions of section 17(a) mergers consolidations, or purchases or sales of substantially all of the assets of registered investment companies that are affiliated persons solely by reason of having a common investment adviser, common directors/trustees, and/or common officers, provided that certain conditions are satisfied.

4. Applicants believe that they may not rely upon rule 17a–8 because the Funds may be affiliated for reasons other than those set forth in the rule. GE indirectly owns 100% of the outstanding voting securities of GNA Capital, the adviser to the Acquired Funds. GE also owns, with power to vote, shares of certain of the Funds as described in the application, which constitute between 7% and 83% of the outstanding shares of each such Fund. Because of this ownership, the Acquiring Funds may be deemed an affiliated person of the Acquired Funds, and vice versa, for reasons not based solely on their common adviser. Consequently, applicants are requesting an order pursuant to section 17(b) of the Act exempting them from section 17(a) to the extent necessary to consummate the Reorganization.

5. Section 17(b) of the Act provides that the SEC may exempt a transaction from the provisions of section 17(a) if the terms of the proposed transaction, including the consideration to be paid or received, are reasonable and fair and do not involve overreaching on the part of any person concerned; the proposed transaction is consistent with the policy of each registered investment company concerned; and the proposed transaction is consistent with the general purposes of the Act.

6. Applicants submit that the terms of the proposed Reorganization satisfy the standards set forth in section 17(b), in that the terms are fair and reasonable and do not involve overreaching on the part of any person concerned. The boards of trustees of the Company and the Trust, including their non-interested trustees, have reviewed the terms of the Reorganization as set forth in the Agreement, including the consideration to be paid or received, and have found that participation in the Reorganization is in the best interests of the Company, the Trust, and each Fund, and that the interests of the existing shareholders of each Fund will not be diluted as a result of the Reorganization. Applicants also note that the exchange of each Acquired Fund's assets and liabilities for the shares of the corresponding Acquiring Fund will be based on the Funds' relative net asset values.

For the SEC, by the Division of Investment Management, under delegated authority.

Jonathan G. Katz,

Secretary.

[FR Doc. 97–23599 Filed 9–4–97; 8:45 am]

BILLING CODE 8010–01–M

SECURITIES AND EXCHANGE COMMISSION

[Investment Company Act Release No. 22803; 812–10758]

Robertson Stephens Investment Trust, et al.; Notice of Application

August 29, 1997.

AGENCY: Securities and Exchange Commission (''SEC'').

ACTION: Notice of application for exemption under section 6(c) of the Investment Company Act of 1940 (the ''Act'') from section 15(a) of the Act.

SUMMARY OF APPLICATION: Robertson, Stephens & Company Group, L.L.C. and Robertson, Stephens & Company, Inc., parent companies (''Parents'') of Robertson, Stephens & Company Investment Management, L.P. (''RSIM, L.P.''), and Robertson Stephens Investment Management, Inc. (''RSIM, Inc.'') (each of RSIM, L.P. and RSIM, Inc., an ''Adviser,'' and together, the ''Advisers''), have entered into an agreement and plan of merger with BankAmerica Corporation (''BankAmerica'') to merge with a wholly-owned subsidiary of BankAmerica. The indirect change in control of the Advisers will result in the assignment, and thus the termination, of the existing advisory contracts between Robertson Stephens Investment Trust (the ''Trust'') and the Advisers. The order would permit the implementation, without shareholder approval, of a new investment advisory agreement for a period of up to 60 days following the date of the change in control of the Advisers. The order also would permit the Advisers to receive all fees earned under the new advisory agreement following shareholder approval.

APPLICANTS: Trust, RSIM, L.P. and RSIM, Inc.

FILING DATES: The application was filed on August 15, 1997.

HEARING OR NOTIFICATION OF HEARING: An order granting the application will be issued unless the SEC orders a hearing. Interested persons may request a hearing by writing to the SEC's Secretary and serving applicants with a copy of the request, personally or by mail. Hearing requests should be received by the SEC by 5:30 p.m. on September 24, 1997, and should be accompanied by proof of service on applicants in the form of an affidavit or, for lawyers, a certificate of service. Hearing requests should state the nature of the writer's interest, the reason for the request, and the issues contested. Persons who wish to be notified of a hearing may request notification by writing to the SEC's Secretary.

ADDRESSES: Secretary, SEC, 450 Fifth Street NW., Washington, DC 20549. Applicants, 555 California Street, San Francisco, CA 94104.

FOR FURTHER INFORMATION CONTACT: Joseph B. McDonald, Jr., Senior Counsel, at (202) 942–0533, or Mary Kay Frech, Branch Chief, at (202) 942–0564 (Office of Investment Company Regulation, Division of Investment Management).

SUPPLEMENTARY INFORMATION: The following is a summary of the application. The complete application may be obtained for a fee at the SEC's Public Reference Branch, 450 Fifth Street NW., Washington, DC 20549 (tel. 202–942–8090).

Applicant's Representations

1. The Trust is a Massachusetts business trust registered under the Act as an open-end management investment company. The Trust currently offers twelve separate series (the ''Funds'') to the public. The Advisers are registered investment advisers under the Investment Advisers Act of 1940. RSIM, L.P. serves as investment adviser to eleven of the Funds and RSIM, Inc. serves as investment adviser to the Twelfth Fund.

2. On June 8, 1997, BankAmerica entered into an agreement and plan of merger with the Parents and their affiliates, under which each of the Parents would be merged into a subsidiary of BankAmerica (the ''Merger''). As a result of the Merger, BankAmerica will become the owner of the entire beneficial interest in RSIM, L.P. and RSIM, Inc. Applicants expect consummation of the Merger on September 30, 1997.

3. Applicants request an exemption to permit implementation, prior to obtaining shareholder approval, of new investment advisory agreements (''New Advisory Agreements'') with the Advisers. The requested exemption will cover an interim period of not more than 60 days beginning on the date the Merger is consummated and continuing, in respect of each Fund, through the

date on which a New Advisory Agreement is approved or disapproved by the Fund's shareholders (the ''Interim Period''). The New Advisory Agreements will contain terms and conditions identical to those of the existing advisory agreements (''Existing Advisory Agreements''), except for their effective dates, termination dates, and escrow provisions. The aggregate contractual rate chargeable for the advisory services under each New Advisory Agreement will remain the same as under the Existing Advisory Agreements.

4. On July 22, 1997, the board of trustees of the Trust (the ''Board'') held a meeting to discuss the Merger and its implications for the Funds. At the meeting, a majority of the members of the Board, including a majority of the Board members who are not ''interested persons'' of the Funds, as that term is defined in section 2(a)(19) of the Act (the ''Independent Trustees''), voted in accordance with section 15(c) of the Act to approve the New Advisory Agreements and to submit the New Advisory Agreements to the shareholders of each of the Funds at a meeting to be held on September 30, 1997 (the ''Meeting''). The Board will meet in person prior to the start of the Interim Period to approve the escrow provisions of each of the New Advisory Agreements in accordance with section 15(c) of the Act.

5. Applicants state that proxy materials for the Meeting were mailed on August 20, 1997. Applicants believe that it is possible that shareholders of each of the Funds will approve the New Advisory Agreements at the Meeting. However, it is also possible that an insufficient number of votes will have been received by that date to act upon the New Advisory Agreements in respect of one or more Funds, and that if may be necessary to adjourn the meeting for a period not to exceed 60 days following the Merger to permit additional shareholders to vote their shares by proxy. Applicants believe that the requested relief is necessary to permit continuity of investment management of the Funds during the period following the Merger so that the investment program and the delivery of related services for each Fund will not be disrupted if the Meeting for that Fund is adjourned.

6. Applicants also request an exemption to permit the Advisers to receive from each Fund, upon approval of that Fund's shareholders, any and all fees earned (plus interest) under the related New Advisory Agreement in effect during the Interim Period. Applicants state that the fees paid during the Interim Period will be unchanged from the fees paid under the Existing Advisory Agreements.

7. Applicants propose to enter into an escrow arrangement with an unaffiliated financial institution. The fees payable to an Adviser during the Interim Period under a New Advisory Agreement will be paid by the Fund into an interest-bearing escrow account maintained by the escrow agent. The escrow agent will release the monies held in the escrow account (including any interest earned): (a) To the Adviser only upon approval of the New Advisory Agreement by the Fund's shareholders in accordance with section 15 of the Act; or (b) to the Fund if the Interim Period has ended and the New Advisory Agreement has not received the requisite shareholder approval. Before any such release is made, the Board will be notified.

Applicants' Legal Analysis

1. Section 15(a) of the Act provides, in pertinent part, that it shall be unlawful for any person to serve or act as an investment adviser of a registered investment company, except pursuant to a written contract that has been approved by the vote of a majority of the outstanding voting securities of such registered investment company. Section 15(a) further requires that such written contract provide for automatic termination in the event of its ''assignment.'' Section 2(a)(4) of the Act defines ''assignment'' to include any direct or indirect transfer of a contract by the assignor, or of a controlling block of the assignor's outstanding voting securities by a security holder of the assignor. Section 2(a)(9) of the Act defines ''control'' as the power of exercise a controlling influence over the management or policies of a company, and beneficial ownership of more than 25% of the voting securities of a company is presumed under section 2(a)(9) to reflect control.

2. Applicants state that, following the completion of the Merger, BankAmerica will own 100% of the voting securities of the Parents. Applicants believe, therefore, that the Merger will result in an ''assignment'' of the Existing Advisory Agreements and that the Existing Advisory Agreements will terminate by their terms upon consummation of the Merger.

3. Rule 15a–4 provides, in pertinent part, that if an investment advisory contract with an investment company is terminated by an assignment in which the adviser does not directly or indirectly receive a benefit, the adviser may continue to act as such for the company for 120 days under a written contract that has not been approved by the company's shareholders, provided that: (a) The new contract is approved by that company's board of director (including a majority of the non-interested directors); (b) the compensation to be paid under the new contract does not exceed the compensation that would have been paid under the contract most recently approved by the company's shareholders; and (c) neither the adviser nor any controlling person of the adviser ''directly or indirectly receives money or other benefit'' in connection with the assignment. Applicants state that because of the Advisers and their affiliates may be deemed to receive a benefit in connection with the Merger, applicants may not rely on rule 15a–4.

4. Section 6(c) provides that the SEC may exempt any person, security, or transaction from any provision of the Act, if and to the extent that such exemption is necessary or appropriate in the public interest and consistent with the protection of investors and the purposes fairly intended by the policy and provisions of the Act. Applicants believe that the requested relief meets this standard.

5. Applicants note that the terms and timing of the Merger were determined by the Parents and BankAmerica in response to a number of factors beyond the scope of the Act and unrelated to the Funds and the Advisers. Applicants submit that it is in the best interests of shareholders to have sufficient time to consider and return proxies and to hold a shareholder meeting. Applicants believe that the Interim Period would facilitate the orderly and reasonable consideration of the New Advisory Agreements with respect to those Funds whose shareholders have not voted in sufficient numbers by the date of the Meeting.

6. Applicants submit that the scope and quality of services provided to the Portfolios during the Interim Period will not be diminished. During the Interim Period, the Advisers would operate under the New Advisory Agreements, which are substantively the same as the Existing Advisory Agreements. The Advisers have advised the Board that they are not aware of any material changes in the personnel who will provide investment management services during the Interim Period. Accordingly, the Funds should receive, during the Interim Period, the same advisory services, provided in the same manner and at the same fee levels, by substantially the same personnel as they received before the Merger.

7. Applicants contend that the relationship between each of the Funds and the Advisers has been a beneficial

one to the shareholders of the Funds, and that it would be in no one's interests for the relationship to be impaired because the Advisers cannot receive fees for the services they provide during the Interim Period. In addition, the fees to be paid during the Interim Period will be unchanged from the fees paid under the Existing Advisory Agreements.

Applicants' Conditions

Applicants agree as conditions to the issuance of the exemptive order requested by the application that:

1. Each New Advisory Agreement will have the same terms and conditions as the respective Existing Advisory Agreements, except for the effective date, termination date, and escrow provisions.

2. Advisory fees payable by a Fund to an Adviser during the Interim Period will be maintained in an interest-bearing escrow account, and amounts in the account (including interest earned on such amounts) will be paid: (a) to the Adviser in accordance with the relevant New Advisory Agreement, after the requisite approval is obtained; or (b) to the Fund, in the absence of such approval.

3. The Trust will hold a meeting of shareholders to vote on approval of the New Advisory Agreements for the Funds on September 30, 1997, or within the 60-day period thereafter.

4. None of the Funds will bear the costs of preparing and filing the application, or any costs relating to the solicitation of the shareholder approval of the Funds' shareholders necessitated by the consummation of the Merger.

5. The Advisers will take all appropriate actions to ensure that the scope and quality of advisory and other services provided to the Funds during the Interim Period will be at least equivalent, in the judgment of the Board, including a majority of the Independent Trustees, to the scope and quality of services previously provided. In the event of any material change in personnel providing services pursuant to the New Advisory Agreements caused by the Merger, the Advisers will apprise and consult with the Board to assure that the Board, including a majority of the Independent Trustees, is satisfied that the services provided will not be diminished in scope or quality.

6. The Board, including a majority of the Independent Trustees, will have approved the escrow provisions of the New Advisory Agreements in accordance with the requirements of section 15(c) of the Act prior to the termination of the Existing Advisory Agreements.

For the Commission, by the Division of Investment Management, pursuant to delegated authority.

Jonathan G. Katz,

Secretary.

[FR Doc. 97–23600 Filed 9–4–97; 8:45 am]

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SECURITIES AND EXCHANGE COMMISSION

[Release No. 34–38989; File No. SR–CHX–97–3]

Self-Regulatory Organizations; Notice of Filing of Proposed Rule Change, Amendments Nos. 1, 2 and 3 by The Chicago Stock Exchange, Inc., and Order Granting Accelerated Partial Approval to the Proposed Rule Change Relating to the Trading of Nasdaq National Market Securities on the Chicago Stock Exchange

August 28, 1997.

Pursuant to Section 19(b)(1) of the Securities Exchange Act of 1934 (''Act''),[1] notice is hereby given that on February 17, 1997, the Chicago Stock Exchange, Incorporated (''CHX'' or ''Exchange'') filed with the Securities and Exchange Commission (''Commission'') a proposed rule change relating to quotes in the Midwest Automated Execution System (''Max system'') for Nasdaq National Market (''Nasdaq/NM'') securities. On May 14, 1997, the Exchange submitted Amendment No. 1 to the rule filing to limit the application of the proposed rule change to 150 Nasdaq/NM securities. On July 7, 1997, the Exchange submitted Amendments Nos. 2 and 3 to the rule filing clarifying which 150 Nasdaq/NM securities would be subject to a reduced minimum quotation size. The proposed is described in Items I, II, and III below, which Items have been prepared by the self-regulatory organization. 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 amend Article XX, Rule 37 relating to the generation of an autoquote when a specialist's quote in a Nasdaq/NM security is exhausted due to an automatic execution. Below is the text of the proposed rule change. Proposed new text is in italics; deleted text is in brackets.

[1] 15 U.S.C. § 78s(b)(1).

Article XX

Rule 37. Guaranteed Execution System and Midwest Automated Execution System

(a) Guarantee Executions. The Exchange's Guaranteed Execution System (the BEST System) shall be available to Exchange member firms and, where applicable, to members of a participating exchange who send orders to the Floor through a linkage pursuant to Rule 39 of this Article, in all issues in the specialist system which are traded in the Dual Trading System and NASDAQ/NM Securities. System orders shall be executed pursuant to the following requirements:

1. Eligible Orders. Specialists must accept and guarantee execution on all agency orders in Dual Trading System Issues from 100 up to and including 2099 shares in accordance with this rule. Specialists must accept and execute all agency market orders or marketable limit orders in NASDAQ/NM [s]Securities from 100 up to and including 1000 shares in accordance with this rule. Specialists must accept all agency limit orders in NASDAQ/NM Securities from 100 up to and including 10,000 shares for placement in the limit order book.

2.–7. No change in text.

(b) Automated Executions. The Exchange's Midwest Automated Execution System (the Max System) may be used to provide an automated delivery and execution facility for orders that are eligible for execution under the Exchange's BEST rule (Article XX, Rule 37(a)) and certain other orders. In the event that an order that is subject to the BEST Rule is sent through MAX, it shall be executed in accordance with the parameters of the BEST Rule and the following. In the event that an order that is not subject to the BEST Rule is sent through MAX, it shall be executed in accordance with the parameters of the following:

(1)–(6). No change in text.

(7) Execution of NASDAQ/NM [issues] *Securities.* In NASDAQ/NM [Issues] *Securities,* if the specialist is quoting at the NBBO at the time a MAX market or marketable limit order is received, that order shall automatically be filled at such NBBO (after the same time delays specified in paragraph 6 above for Dual Trading System issues) up to the size of the specialist's bid or offer (as the case may be). In such case, the specialist's bid or offer will be decremented by the size of the execution. In the event the specialist's bid or offer is exhausted, the system will generate a quote [⅛ point] *an increment* away from the NBBO *as determined by*

the specialist from time to time, for 1000 shares; *provided, however, if the Nasdaq/NM Security became subject to mandatory compliance with SEC Rule 11Ac1–4 on or prior to February 24, 1997, the size of the quote that is generated will be one normal unit of trading (usually 100 shares).* If the specialist is not quoting at the NBBO at the time a MAX market or marketable limit agency order is received, such order shall be automatically filled at the NBBO up to the size of the auto-execution threshold if the specialist has not, within 20 seconds after receipt of the order, complied with the manual execution requirement of Rule 43(d) of this Article.

(8)–(13) No change in text.

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 statutory 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 III below. The self-regulatory organization has prepared summaries, set forth in Sections A, B and C below, of the most significant aspects of such statements.

A. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

1. Purpose

On January 3, 1997, the Commission approved certain Exchange rules relating to the trading of Nasdaq/NM securities on the Exchange on a one-year pilot basis, ending in December, 1997.[2] Among other things, the January Order set the auto-execution threshold at 1000 shares or greater for Nasdaq/NM securities. Orders for a size less than or equal to the auto-execution threshold set by the specialist are automatically executed if the CHX specialist is quoting at the National Best Bid or Offer (''NBBO'') for the lesser of the size of the order or the specialist's quote. The orders are executed automatically after a fifteen second delay from the time the order is entered into MAX. The size of the specialist's bid or offer is automatically decremented by the size of the execution and, when the specialist's quote is exhausted, the system then generates an autoquote ⅛th point away from the NBBO for 1000 shares.

The purpose of the proposed rule change is to permit a specialist to autoquote for 100 shares for certain Nasdaq/NM securities[3] and to change the increment by which a specialist can quote away from the NBBO from ⅛th point away to an increment that will be determined by the specialist from time to time. This proposed rule change will conform the CHX rules for Nasdaq/NM securities to the CHX rules on minimum quote size for listed securities.

2. Statutory Basis

The basis under the Act for the proposed rule change is the requirement under Section 6(b)(5) that an exchange have rules that are designed to promote just and equitable principles of trade, to remove impediments and to perfect the mechanism of a free and open market and a national market system, and, in general, to protect investors and the public interest.

B. Self-Regulatory Organization's Statement on Burden on Competition

The Exchange does not believe that the proposed rule change will impose any burden on competition that is not necessary or appropriate in furtherance of the purposes of the Act.

C. Self-Regulatory Organization's Statement on Comments on the Proposed Rule Change Received From Members, Participants or Others

The Exchange has neither solicited nor received written comments on the proposed rule change.

III. 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 submissions, all subsequent amendments, all written statements with respect to the proposed rule change that are filed with the Commission, and all written communications relating to the proposed rule change between the Commission and any person, other than those that may be withheld from the public in accordance with the provisions of 5 U.S.C. 552, will be available for inspection and copying at the Commission's Public Reference Room, 450 Fifth Street NW., Washington, DC 20549. Copies of such filing will also be available for inspection and copying at the principal office of the Exchange. All submissions should refer to File No. SR–CHX–97–3 and should be submitted by September 26, 1997.

IV. Date of Effectiveness of the Proposed Rule Change and Timing for Commission Action

With in 35 days of the date of publication of this notice in the **Federal Register** or within such other period (i) as the Commission may designate up to 90 days of such date if it finds such longer period to be appropriate and publishes its reasons for so finding or (ii) as to which the self-regulatory organization consents, the Commission will:

(A) By order approve the remainder of the proposed rule change, or

(B) Institute proceedings to determine whether the remainder of the proposed rule change should be disapproved.

V. Commission's Findings and Order Granting Accelerated Partial Approval of Proposed Rule Change

The Commission finds that the Exchange's proposal is consistent with the requirements of the Act and the rules and regulations thereunder applicable to a national securities exchange. Specifically, the Commission finds that the proposed rule change is consistent with Section 6(b)(5) of the Act,[4] which requires that an exchange have rules that are designed 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. In addition, the Commission finds that the rule change is consistent with the Congressional objectives for the equity markets, set out in Section 11A of the Act, of achieving more efficient and effective market operations, fair competition among brokers and dealers, and the economically efficient execution of investor orders in the best market.

The Commission believes that the Exchange's rule permitting a specialist to determine the increment at which its quotation is automatically updated may lead to improved price competition. In addition, the constraint that the increment be set at ⅛ is inconsistent with current initiatives to reduce the minimum quotation increment and migrate to decimal pricing in the future.

[2] *See* Securities Exchange Act Release No. 38119 (January 3, 1997), File No. SR–CHX–96–16 (the ''January Order'').

[3] The securities are the 150 Nasdaq/NM securities that became subject to the mandatory obligations of SEC Rule 11Ac1–4 on or prior to February 24, 1997.

[4] 15 U.S.C. § 78f(b)(5).

The Commission, therefore, has determined to permanently approve, on an accelerated basis, the proposed rule change permitting a CHX specialist to autoquote in increments as determined by the specialist from time to time.[5]

The Commission believes it is reasonable for the CHX to determine that for competitive reasons it will not continue to require its specialists to maintain a minimum quotation size of 1000 shares in certain Nasdaq/NM securities when Nasdaq market makers' in those securities are permitted a minimum quotation size, for proprietary quotes, of 100 shares.[6] The Commission notes, however, that it has not approved the NASD Pilot on a permanent basis nor has it determined that it should continue past December 31, 1997.[7] The Commission is, therefore, approving the CHX proposal on a pilot basis equal to the limitations of the Nasdaq market makers; 50 securities and until December 31, 1997. Because Nasdaq market makers have been quoting a minimum of 100 shares for the 50 Nasdaq/NM securities in the NASD Pilot since January, 1997, the Commission is approving this part of the proposal on an accelerated basis to allow CHX specialists to also reduce the minimum quotation size in those 50 Nasdaq/NM securities.

The Commission is deferring approval of the proposal to permit CHX specialists to reduce the quotation minimum in an additional 100 Nasdaq/NM securities until comments on the proposal are received and the Commission takes action on the NASD's proposal to expand the NASD Pilot by 100 securities.[8]

For the foregoing reasons, the Commission finds good cause for approving the proposed rule change, in part, prior to the thirtieth day after date of publication of notice of filing thereof in the **Federal Register**.

[5] The increment used by the specialists for autoquoting, however, must be an increment that is available for quotation on the exchange by all members.

[6] *See* Securities Exchange Act Release No. 38156 (January 10, 1997), 62 FR 2415 (January 16, 1997), order approving reduction in the minimum quotation size for Nasdaq market makers in fifty Nasdaq/NM securities (''NASD Pilot''). A list of the 50 Nasdaq/NM securities is located on the Nasdaq web site (www.nasdaq.com).

[7] *See* Securities Exchange Act Release No. 38851 (July 18, 1997), 62 FR 39565 (July 23, 1997), approving the extension of the NASD Pilot for a minimum quotation size of 100 shares in 50 Nasdaq/NM securities until December 31, 1997.

[8] *See* Securities Exchange Act Release Nos. 38513 (April 15, 1997), 62 FR 19369 (April 21, 1997); 38872 (July 24, 1997), 62 FR 40879 (July 30, 1997), (notices of request to expand the number of Nasdaq/NM securities to 150).

It is therefore ordered, pursuant to Section 19(b)(2) of the Act,[9] that the proposed rule change (SR–CHX–97–3) be, and hereby is, approved.

For the Commission, by the Division of Market Regulation, pursuant to delegated authority.[10]

Jonathan G. Katz,

Secretary.

[FR Doc. 97–23601 Filed 9–4–97; 8:45 am]

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SECURITIES AND EXCHANGE COMMISSION

[Release No. 34–38993; File No. SR–NASD–97–35]

Self-Regulatory Organizations; Notice of Filing of Proposed Rule Change by the National Association of Securities Dealers, Inc. Relating to the Regulation of Non-Cash Compensation in Connection With the Sale of Investment Company Securities and Variable Contracts

August 29, 1997.

Pursuant to Section 19(b)(1) of the Securities Exchange Act of 1934 (''Act'')[1], and Rule 19b–4 [2] thereunder, notice is hereby given that on May 7, 1997,[3] the National Association of Securities Dealers, Inc. (''NASD'' or ''Association'') 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 self-regulatory organization. The Commission is publishing this notice to solicit comments on the proposed rule change from interested persons.

[9] 15 U.S.C. § 78s(b)(12).

[10] 17 CFR 200.30-3(a)(12).

[1] 15 U.S.C. 78s(b)(1).

[2] 17 CFR 240.19b–4.

[3] On July 15, 1997, the NASD filed Amendment No. 1 to the proposed rule change. On July 23, 1997, the NASD filed Amendment No. 2 to the proposed rule change. On August 28, 1997, the NASD filed Amendment No. 3 to the proposed rule change. Amendment No. 1 made several changes to the proposed rule language and the rule filing. *See* letter from John Ramsay, Deputy General Counsel, NASD Regulation, Inc. (''NASD Regulation'') to Katherine A. England, Assistant Director, Commission, dated July 11, 1997. The changes made by Amendment No. 1 are incorporated into and published in this notice. Amendment No. 2 makes a technical change to Amendment No. 1. *See* letter from John Ramsay, NASD Regulation to Katherine A. England, Commission, dated July 22, 1997. Amendment No. 3 states that the NASD Board of Governors has reviewed the proposed rule change and that no other action by the NASD is necessary for Commission consideration of the rule proposal. *See* letter from John Ramsay, NASD Regulation to Katherine A. England, Commission, dated August 27, 1997.

I. Self-Regulatory Organization's Statement of the Terms of Substance of the Proposed Rule Change

The NASD is filing a proposed rule change to NASD Conduct Rules 2820 and 2830 relating to the regulation of non-cash compensation in connection with the sale of investment company securities and variable contracts. Below is the text of the proposed rule change. Proposed new language is italicized; proposed deletions are in brackets.

Conduct Rules

2820. Variable Contracts of an Insurance Company

(a) Application.

Unchanged.

(b) Definitions.

(1)–(2) Unchanged.

(3) The terms ''affiliated member,'' ''compensation,'' ''cash compensation,'' ''non-cash compensation'' and ''offeror'' as used in paragraph (h) of this Section shall have the following meanings:

''Affiliated Member'' shall mean a member which, directly or indirectly, controls, is controlled by, or is under common control with a non-member company.

''Compensation'' shall mean cash compensation and non-cash compensation.

''Cash compensation'' shall mean any discount, concession, fee, service fee, commission, asset-based sales charge, loan, override, or cash employee benefit received in connection with the sale and distribution of variable contracts.

''Non-cash compensation'' shall mean any form of compensation received in connection with the sale and distribution of variable contracts that is not cash compensation, including but not limited to merchandise, gifts and prizes, travel expenses, meals and lodging.

''Offeror'' shall mean an insurance company, a separate account of an insurance company, an investment company that funds a separate account, any adviser to a separate account of an insurance company or an investment company that funds a separate account, a fund administrator, an underwriter and any affiliated person (as defined in Section 2(a)(3) of the Investment Company Act of 1940) of such entities.

(c)–(g).

Unchanged.

(h) Member Compensation.

In connection with the sale and distribution of variable contracts:

(1) Except as described below, no associated person of a member shall accept any compensation from anyone other than the member with which the person is associated. This requirement

will not prohibit arrangements where a non-member company pays compensation directly to associated persons of the member, provided that:

(A) the arrangement is agreed to by the member;

(B) the member relies on an appropriate rule, regulation, interpretive release, interpretive letter, or ''no-action'' letter issued by the Securities and Exchange Commission that applies to the specific fact situation of the arrangement;

(C) the receipt by associated persons of such compensation is treated as compensation received by the member for purposes of NASD rules; and

(D) the recordkeeping requirement in subparagraph (h)(3) is satisfied.

(2) No member or person associated with a member shall accept any compensation from an offeror which is in the form of securities of any kind.

(3) Except for items as described in subparagraphs (h)(4) (A) and (B), a member shall maintain records of all compensation received by the member or its associated persons from offerors. The records shall include the names of the offerors, the names of the associated persons, the amount of cash, the nature and, if known, the value of non-cash compensation received.

(4) No member or person associated with a member shall directly or indirectly accept or make payments or offers of payments of any non-cash compensation, except as provided in this provision. Notwithstanding the provisions of subparagraph (h)(1), the following non-cash compensation arrangement are permitted:

(A) Gifts that do not exceed an annual amount per person fixed periodically by the Board of Governors[4] and are not preconditioned on achievement of a sales target.

(B) An occasional meal, a ticket to a sporting event or the theater, or comparable entertainment which is neither so frequent nor so extensive as to raise any question of propriety and is not preconditioned on achievement of a sales target.

(C) Payment or reimbursement by offerors in connection with meetings held by an offeror or by a member for the purpose of training or education of associated persons of a member, provided that:

(i) the recordkeeping requirement in subparagraph (h)(3) is satisfied;

(ii) associated persons obtain the member's prior approval to attend the meeting and attendance by a member's associated persons is not preconditioned by the member on the achievement of a sales target or any other incentives pursuant to a non-cash compensation arrangement permitted by subparagraph (h)(4)(D);

(iii) the location is appropriate to the purpose of the meeting, which shall mean an office of the offeror or the member, or a facility located in the vicinity of such office, or a regional location with respect to regional meetings;

(iv) the payment or reimbursement is not applied to the expenses of guests of the associated person; and

(v) the payment or reimbursement by the offeror is not preconditioned by the offeror on the achievement of a sales target or any other non-cash compensation arrangement permitted by subparagraph (h)(4)(D).

(D) Non-cash compensation arrangements between a member and its associated persons or a non-member company and its sales personnel who are associated persons of an affiliated member, provided that:

(i) the member's or non-member's non-cash compensation arrangement, if it includes variable contracts, is based on the total production of associated persons with respect to all variable contracts distributed by the member;

(ii) the non-cash compensation arrangement requires that the credit received for each variable contract is equally weighted;

(iii) no unaffiliated non-member company or other unaffiliated member directly or indirectly participates in the member's or non-member's organization of a permissible non-cash compensation arrangement; and

(iv) the recordkeeping requirement in subparagraph (h)(3) is satisfied.

(E) Contributions by a non-member company or other member to a non-cash compensation arrangement between a member and its associated persons, provided that the arrangement meets the criteria in subparagraph (h)(4)(D).

* * * * *

2830. Investment Company Securities

(a) Application.

Unchanged.

(b) Definitions.

(1) [''Associated person of an underwriter,'' as used in paragraph (1), shall include an issuer for which an underwriter is the sponsor or a principal underwriter, any investment adviser to such issuer, or any affiliated person (as defined in Section 2(a)(3) of the Investment Company Act of 1940) of such underwriter, issuer, or investment adviser.] *The terms ''affiliated member,'' ''compensation,'' ''cash compensation,'' ''non-cash compensation'' and ''offeror'' as used in paragraph (l) of this section shall have the following meanings:*

''Affiliated Member'' shall mean a member which, directly or indirectly, controls, is controlled by, or is under common control with a non-member company.

''Compensation'' shall mean cash compensation and non-cash compensation.

''Cash compensation'' shall mean any discount, concession, fee, service fee, commission, asset-based sales charge, loan, override or cash employee benefit received in connection with the sale and distribution of investment company securities.

''Non-cash compensation'' shall mean any form of compensation received in connection with the sale and distribution of investment company securities that is not cash compensation, including but not limited to merchandise, gifts and prizes, travel expenses, meals and lodging.

''Offeror'' shall mean an investment company, an adviser to an investment company, a fund administrator, an underwriter and any affiliated person (as defined in Section 2(a)(3) of the Investment Company Act of 1940) of such entities.

(2)–(10) Unchanged.

* * * * *

(c)–(k).

Unchanged.

* * * * *

(l) [Dealer Concessions] *Member Compensation.*

[(1) No underwriter or associated person of an underwriter shall offer, pay or arrange for the offer or payment to any other member in connection with retail sales or distribution of investment company securities, any discount, concession, fee or commission (hereinafter referred to as ''concession'') which:]

[(A) is in the form of securities of any kind, including stock, warrants or options;]

[(B) is in a form other than cash (e.g., merchandise or trips), unless the member earning the concession may elect to receive cash at the equivalent of no less than the underwriter's cost of providing the non-cash concession: or]

[(C) is not disclosed in the prospectus of the investment company. If the concessions are not uniformly paid to all dealers purchasing the same dollar amounts of securities from the underwriter, the disclosure shall include a description of the circumstances of any general variations from the standard schedule of concessions. If special compensation arrangements have been made with

[4] The current annual amount fixed by the Board of Governors in $100.

individual dealers, which arrangements are not generally available to all dealers, the details of the arrangements, and the identities of the dealers, shall also be disclosed.]

[(2) No underwriter or associated person of an underwriter shall offer or pay any concession to an associated person of another member, but shall make such payment only to the member.]

[(3)(A) In connection with retail sales or distribution of investment company shares, no underwriter or associated person of an underwriter shall offer or pay to any member or associated person, anything of material value, and no member or associated person shall solicit or accept anything of material value, in addition to the concessions disclosed in the prospectus.]

[(B) For purposes of this paragraph (l)(3), items of material value shall include but not be limited to:]

[(i) gifts amounting in value to more than $50 per person per year.]

[(ii) gifts or payments of any kind which are conditioned on the sale of investment company securities.]

[(iii) loans made or guaranteed to a non-controlled member or person associated with a member.]

[(iv) wholesale overrides (commissions) granted to a member on its own retail sales unless the arrangement, as well as the identity of the member, is set forth in the prospectus of the investment company.]

[(v) payment or reimbursement of travel expenses, including overnight lodging, in excess of $50 per person per year unless such payment or reimbursement is in connection with a business meeting, conference or seminar held by an underwriter for informational purposes relative to the fund or funds of its sponsorship and is not conditioned on sales of shares of an investment company. A meeting, conference or seminar shall not be deemed to be of a business nature unless: the person to whom payment or reimbursement is made is personally present at, or is en route to or from, such meeting in each of the days for which payment or reimbursement is made; the person on whose behalf payment or reimbursement is made is engaged in the securities business; and the location and facilities provided are appropriate to the purpose, which would ordinarily mean the sponsor's office.]

[(C) For purposes of this paragraph (l)(3), items of material value shall not include:]

[(i) an occasional dinner, a ticket to a sporting event or the theater, or comparable entertainment of one or more registered representatives which is not conditioned on sales of shares of an investment company and is neither so frequent nor so extensive as to raise any question of propriety.]

[(ii) a breakfast, luncheon, dinner, reception or cocktail party given for a group of registered representatives in conjunction with a bona fide business or sales meeting, whether at the headquarters of a fund or its underwriter or in some other city.]

[(iii) an unconditional gift of a typical item of reminder advertising such as a ballpoint pen with the name of the advertiser inscribed, a calendar pad, or other gifts amounting in value to not more than $50 per person per year.]

[(4) The provisions of this subsection (1) shall not apply to:]

[(A) Contracts between principal underwriters of the same security.]

[(B) Contracts between the principal underwriter of a security and the sponsor of a unit investment trust which utilizes such security as its underlying investment.]

[(C) Compensation arrangements of an underwriter or sponsor with its own sales personnel.]

In connection with the sale and distribution of investment company securities:

(1) Except as described below, no associated person of a member shall accept any compensation from anyone other than the member with which the person is associated. This requirement will not prohibit arrangements where a non-member company pays compensation directly to associated persons of the member, provided that:

(A) the arrangement is agreed to by the member:

(B) the member relies on an appropriate rule, regulation, interpretive release, interpretive letter, or ''no-action'' letter issued by the Securities and Exchange Commission or its staff that applies to the specific fact situation of the arrangement;

(C) the receipt by associated persons of such compensation is treated as compensation received by the member for purposes of NASD rules; and

(D) the recordkeeping requirement in subparagraph (l)(3) is satisfied.

(2) No member or person associated with a member shall accept any compensation from an offeror which is in the form of securities of any kind.

(3) Except for items described in subparagraphs (l)(5) (A) and (B), a member shall maintain records of all compensation received by the member or its associated persons from offerors. The records shall include the names of the offerors, the names of the associated persons, the amount of cash, the nature and, if known, the value of non-cash compensation received.

(4) No member shall accept any cash compensation from an offeror unless such compensation is described in a current prospectus of the investment company. When special cash compensation arrangements are made available by an offeror to a member, which arrangements are not made available on the same terms to all members who distribute the investment company securities of the offeror, a member shall not enter into such arrangements unless the name of the member and the details of the arrangements are disclosed in the prospectus. Prospectus disclosure requirements shall not apply to cash compensation arrangements between:

(A) principal underwriters of the same security; and

(B) the principal underwriter of a security and the sponsor of a unit investment trust which utilizes such security as its underlying investment.

(5) No member or person associated with a member shall directly or indirectly accept or make payments or offers of payments of any non-cash compensation, except as provided in this provision. Notwithstanding the provisions of subparagraph (l)(1), the following non-cash compensation arrangements are permitted:

(A) Gifts that do not exceed an annual amount per person fixed periodically by the Board of Governors[5] *and are not preconditioned on achievement of a sales target.*

(B) An occasional meal, a ticket to a sporting event or the theater, or comparable entertainment which is neither so frequent nor so extensive as to raise any question of propriety and is not preconditioned on achievement of a sales target.

(C) Payment or reimbursement by offerors in connection with meetings held by an offeror or by a member for the purpose of training or education of associated persons of a member, provided that:

(i) the recordkeeping requirement in subparagraph (l)(3) is satisfied;

(ii) associated persons obtain the member's prior approval to attend the meeting and attendance by a member's associated persons is not preconditioned by the member on the achievement of a sales target or any other incentives pursuant to a non-cash compensation arrangement permitted by subparagraph (l)(5)(D);

(iii) the location is appropriate to the purpose of the meeting, which shall

[5] The current annual amount fixed by the Board of Governors is $100.

mean an office of the offeror or the member, or a facility located in the vicinity of such office, or a regional location with respect to regional meetings;

(iv) the payment or reimbursement is not applied to the expenses of guests of the associated person; and

(v) the payment or reimbursement by the offeror is not preconditioned by the offeror on the achievement of a sales target or any other non-cash compensation arrangement permitted by subparagraph (l)(5)(D).

(D) Non-cash compensation arrangements between a member and its associated persons or a non-member company and its sales personnel who are associated persons of an affiliated member, provided that:

(i) the member's or non-member's non-cash compensation arrangement, if it includes investment company securities, is based on the total production of associated persons with respect to all investment company securities distributed by the member;

(ii) the non-cash compensation arrangement requires that the credit received for each investment company security is equally weighted;

(iii) no unaffiliated non-member company or other unaffiliated member directly or indirectly participates in the member's or non-member's organization of a permissible non-cash compensation arrangement; and

(iv) the recordkeeping requirement in subparagraph (l)(3) is satisfied.

(E) Contributions by a non-member company or other member to a non-cash compensation arrangement between a member and its associated persons, provided that the arrangement meets the criteria in subparagraph (l)(5)(D).

* * * * *

II. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for the Proposed Rule Change

In its filing with the Commission, the NASD included statements concerning the purpose of and basis for the proposed rule change, and discussed any comments it received on the proposed rule change. The text of these statements may be examined at the places specified in Item IV below. NASD Regulation 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

Introduction

The NASD is proposing to amend Rules 2820 and 2830 of the NASD Conduct Rules to establish new rules applicable to the sale of variable contracts (''Variable Contracts Rule'') and revise existing rules applicable to the sale of investment company securities (''Investment Company Rule'').

Generally, the proposed rule change would: (1) Adopt definitions of the terms ''affiliated member,'' ''compensation,'' ''cash compensation,'' ''non-cash compensation,'' and ''offeror''; (2) prohibit, except under certain circumstances, associated persons from receiving any compensation from anyone other than the member with which the person is associated; (3) require that members maintain records of compensation received by the member or its associated persons from offerors; (4) with respect to the Investment Company Rule, prohibit receipt by a member of cash compensation from the offeror unless such arrangement is described in the current prospectus; (5) retain the prohibition, with respect to the Investment Company Rule, against a member receiving compensation in the form of securities; and (6) prohibit, with certain exceptions, members and persons associated with members from directly or indirectly accepting or paying any non-cash compensation in connection with the sale of investment company and variable contract securities.

The exceptions from the non-cash compensation prohibition would permit: (1) Gifts of up to $100 per associated person annually; (2) an occasional meal, ticket to a sporting event or theater, or comparable entertainment; (3) payment or reimbursement for training and education meetings held by a broker-dealer or a mutual fund or insurance company for the purpose of educating associated persons of broker-dealers, as long as certain conditions are met; (4) in-house sales incentive programs of broker-dealers for their own associated persons; (5) sales incentive programs of mutual funds and insurance companies for the associated persons of an affiliated broker-dealer; and (6) contributions by any non-member company or other member to a broker-dealer's permissible in-house sales incentive program.

Background

The proposed rule change is the latest in a series of NASD proposals designed to control the use of non-cash compensation in connection with a public offering of securities. Previous rule amendments established restrictions on non-cash compensation in connection with transactions in direct participation program securities, real estate investment trusts, and corporate debt and equity offerings.

In developing the proposed rule change, the staff and NASD Regulations's Investment Companies Committee, the Insurance Affiliated Member Committee, and the Variable Insurance Products Committee (a successor to the Insurance Affiliated Committee) (collectively, the ''Committees'') have considered the current environment in which investment company and variable contract securities are sold. The NASD believes that the increased use of non-cash compensation for the sale of investment company and variable contract securities heightens the potential for loss of supervisory control over sales practices and increase the perception on inappropriate practices, which may result in a loss of investor confidence. The NASD also believes that the increased use of non-cash compensation creates significant point-of-sale incentives that may compromise the requirement to match the investment needs of the customer with the most appropriate investment product. The NASD determined, therefore, that the adoption of limitations on non-cash compensation is appropriate at this time.

In 1992, the NASD submitted to the Commission proposed rule change SR–NASD–92–36, which proposed recordkeeping and disclosure requirements on the receipt of non-cash compensation in connection with the sale of investment company and variable contract securities. As as result of Commission staff concerns regarding the proposal, the NASD withdrew SR–NASD–92–36 in April 1994. In March 1995, the NASD submitted SR–NASD–95–10 to the Commission, which proposed substantive prohibitions on the receipt of non-cash compensation in connection with sale of investment company and variable contract securities. The NASD withdrew that proposal in 1995. In December 1995, the NASD submitted to the Commission proposed rule change SR–NASD–95–61, which proposed substantive prohibitions regarding non-cash compensation and incentive-based cash compensation in connection with the

sale of investment company and variable contract securities. SR–NASD–95–61 was published by the Commission for public comment on July 8, 1969.[6]

SR–NASD–96–51 raised significant issues among commenters regarding the nature and treatment of certain incentive-based cash compensation arrangements, in particular those cash compensation arrangements of insurance-affiliated member firms. NASD Regulation has prepared a summary of the comments, which is attached as Exhibit A. Most of the commenters opposed the proposed provisions to regulate incentive-based cash compensation. In response to the commenters, the NASD determined to delete those provisions proposing to impose substantive prohibitions regarding incentive-based cash compensation. Therefore, the NASD has withdrawn SR–NASD–95–61 and has replaced it with this proposed rule change, which does not contain provisions imposing substantive regulations on the receipt of cash compensation arrangements.

Nevertheless, the NASD is aware of a broad range of cash compensation practices by which investment company and variable contract issuers or their affiliates provide various incentives and rewards to individual broker-dealers and their registered representatives for selling the issuers' products. NASD staff believes that various cash incentive compensation practices, which create an incentive to favor one product over another, also may compromise the ability of securities salespersons to render advice and services that are in the best interests of customers. The NASD has determined to solicit comment pertaining to these issues before proposing any new rules to require either disclosure or substantive regulation of cash compensation for the sale of investment company and variable contract securities. Accordingly, the NASD intends to issue a Request for Comment that would inquire primarily about the nature of various cash compensation arrangements and structures within the mutual fund and variable product industries, the potential harms and benefits of such arrangements and structures, and the appropriate regulatory approach to such arrangements and structures.[7] The Request for Comment will explore issues such as: (1) The nature of various cash compensation arrangements, particularly within the mutual fund and variable product industries (such as ''revenue sharing'' and payments of differential compensation for proprietary versus non-proprietary products); (3) the current best practices being followed by each industry regarding cash compensation arrangements; (3) the potential harms and benefits of such arrangements; and (4) the appropriate regulatory approach to such arrangements (such as disclosure versus substantive prohibitions).

In addition, the Request for Comment will explore the general applicability of such issues mentioned above across all product lines to address broader issues regarding compensation practices, including disparate compensation practices in general, how fare NASD rules regarding incentive-based compensation should reach, the effects at point-of-sale of incentive-based compensation in general, and which regulatory approaches, if any, would be appropriate in addressing disparate compensation practices.

Description of the Proposed Rule Change

The current requirements of paragraph (l) of the Investment Company Rule regulate the disclosure and form of dealer concessions between principal underwriters and retail dealers of investment company securities. These provisions prohibit dealer concessions in the form of securities, require that members may elect to receive cash in lieu of the receipt of non-cash compensation, and prohibit the payment of concessions directly to associated persons of a member. The provisions also set forth requirements with respect to the disclosure of compensation arrangements between underwriters and dealers in the investment company's prospectus.[8]

With respect to the regulation of variable contract securities, the requirements of the Variable Contract Rule currently do not contain similar provisions regulating dealer concessions. Thus, the proposed amendments to the Investment Company Rule would modify current requirements, and the proposed amendments to the Variable Contracts Rule would establish new requirements that address compensation arrangements between an offeror and any member participating in the distribution of the company's securities. The discussion below address each proposed provision in the Investment Company Rule and its counterpart in the Variable Contracts Rule.

Definitions. ''Affiliated Member'': The NASD is proposing to adopt a definition of the term ''affiliated member'' for both the Investment Company and Variable Contract Rules to include a member that directly or indirectly controls, is controlled by, or is under common control with a non-member company. The term is used in the sections of the proposed rule change that address incentive compensation arrangements in order to identify a common type of relationship existing in the investment company and variable contracts industries whereby a non-member owns or controls one or more subsidiary broker-dealer member firms used for underwriting and/or wholesale and retail distribution services.

''Compensation'': For ease of reference in appropriate paragraphs of the proposed rules, the NASD is also proposing to include in the Variable Contracts Rule and the Investment Company Rule a new definition of ''compensation'' to mean ''cash compensation and non-cash compensation,'' and to amend the appropriate paragraphs in the proposed rule language accordingly.

''Cash Compensation'': As proposed to be defined in both the Investment Company and Variable Contracts Rules, this term would include any discount, concession, fee, service fee, commission, asset-based sales charge, loan, override or cash employee benefit received in connection with the sale and distribution of investment company securities or variable contracts. This term would encompass compensation arrangements currently covered under the Investment Company Rule in subparagraph (l)(1), to Conduct Rule 2830 as well as asset-based sales charges and service fees as currently defined in subparagraphs (b) (8) and (9) of the Investment Company Rule. As a result, the proposed new term would apply to all compensation arrangements that would be covered under the current provisions of the Investment Company Rule, with the addition of asset-based sales charges and service fees. The proposed new term also includes cash employee benefits to make clear that certain payments of ordinary employee benefits as part of an overall compensation package are not included in the definition of non-cash compensation.

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[6] Release No. 34–37374 (June 26, 1996), 61 FR 35822 (July 8, 1996.)

[7] The NASD issued a Notice to Members regarding the regulation of payment and receipt of cash compensation incentives in August 1997. The comment period expires on October 15, 1997. *See* NASD Notice to Members 97–50 (August 1997).

[8] In Notice to Members 94–14 (March 1994), the NASD clarified the obligations of members in complying with the compensation disclosure requirements for investment companies in subparagraph (l)(1)(C) to Conduct Rule 2830. *See also* NASD Notice to Members 94–41 (May 1994).

''Non-Cash Compensation'': This definition is proposed to be identical in applicability to both the Investment Company and Variable Contract Rules, and would encompass any form of compensation received by a member in connection with the sale and distribution of investment company and variable contract securities that is not cash compensation, including but not limited to merchandise, gifts and prizes, travel expenses, meals and lodging. Thus, the definition of ''non-cash compensation'' encompasses reimbursement for costs incurred by a member or person associated with a member in connection with travel, meals and lodging.

''Offeror'': The NASD is proposing to define the term ''offeror'' in the Investment Company Rule to include an investment company, an adviser to an investment company, a fund administrator, an underwriter and any affiliated person of such entities, and in the Variable Contracts Rule to include an insurance company, a separate account of an insurance company, an investment company that funds a separate account, any advisor to a separate account of an insurance company or an investment company that funds a separate account, a fund administrator, an underwriter and any affiliated person of such entities. With the exception of ''fund administrator,'' the enumerated entities included in the proposed definition of ''offeror'' in the Investment Company Rule are currently included in the definition of ''associated person of an underwriter,'' which is proposed to be deleted.[9] The definition of the term ''associated person of an underwriter'' in the Investment Company Rule, which is proposed to be deleted, encompasses the issuer, the underwriter, the investment advisor to the issuer, and any affiliated person of such entities.[10] The term ''affiliated person'' in the proposed definition of ''offeror'' is defined in accordance with Section 2(a)(3) of the 1940 Act. The term ''underwriter'' is defined in Section 2(a)(40) of the 1940 Act and is intended to reference the principal underwriter through which the investment and insurance company distributes securities to participating dealers for sale to the investor.

Regulation of the receipt of cash and non-cash compensation. Introduction—The NASD is proposing to adopt as paragraph (l) to the Investment Company Rule (replacing the current provisions of that section) and paragraph (h) of the Variable Contracts Rule new provisions governing the receipt of non-cash compensation by members and associated persons of members. The proposed amendments would be applicable to both variable annuity and variable life products under the Variable Contracts Rule. With respect to the Investment Company Rule, the proposed amendments would be applicable to sales of securities of an investment company registered under the 1940 Act. Thus, the proposed rules would be applicable to sales of securities by a face-amount certificate company, a unit investment trust, and open-end and closed-end management companies.[11]

The preamble to the new rules provides that such compensation must be received ''in connection with the sale and distribution'' of investment company or variable contract securities, as applicable. The preamble is intended to clarify that the provisions relate only to cash and non-cash compensation received in connection with the sale and distribution of the security covered by the rule, but not to other forms of payment that are not related to sales and distribution activities.

Subparagraphs (l)(1) and (h)(1): Limitation on Receipt of Compensation by Associated Persons, and Exception From Limitations—The NASD is proposing in new subparagraph (l)(1) of the Investment Company Rule and new subparagraph (h)(1) of the Variable Contracts Rule generally to prohibit a person associated with a member from accepting any compensation from any person other than the member with which the person is associated. The provision is based on current subparagraph (l)(2) of the Investment Company Rule.

An exception from this general prohibition is proposed that would allow the receipt of compensation by an associated person directly from a non-member company if: the member agrees to the arrangement, the receipt is treated as compensation received by the member for purposes of NASD rules, the recordkeeping requirement in the proposed rule change is satisfied, and, the member relies on an appropriate rule, regulation, interpretive release, interpretive letter or applicable ''no-action'' letter issued by the Commission or its staff that applies to the specific fact situation of the arrangement. Also, the proposed rule change treats such direct payments to associated persons as compensation in order to ensure that the member views such payments in the same manner as payments made directly to the member for purposes of NASD rules and posts such payments to the member's books.

The proposed exception is particularly intended to reflect those situations where Commission interpretations permit direct payments by the insurance company to associated persons as a ''ministerial service'' or because state insurance law prohibits payments of commissions on variable products to a broker-dealer.[12] The exception reflects the view of the Commission staff that under certain circumstances such commission payments to associated persons may be made by a life insurance company acting on behalf of a subsidiary broker-dealer.[13] The NASD also notes that the Commission has issued a number of ''no-action'' letters permitting, among other things, associated persons of members to receive compensation for the sale of variable contract products from a license corporate insurance agent acting on behalf of one or more insurance companies.[14]

[9] There are no current similar terms in the Variable Contracts Rule.

[10] The term is significantly different from the term ''person associated with a member'' as used throughout the NASD's rules and regulations. Any reference to persons associated with an NASD member firm is defined by the definition of ''person associated with a member'' or ''associated person of a member'' in Article I, Section (m) to the NASD By-Laws.

[11] Closed-end management companies are also subject to the prohibition on non-cash compensation contained in the Corporate Financing Rule in Conduct Rule 2710.

[12] The exception is not, however, restricted to these situations, but is intended to be available in any situation where a member relies on any appropriate rule, regulation, interpretive release or applicable ''no-action'' position issued by the Commission that applies to the specific fact situation of the arrangements.

[13] *See* Release No. 34–8389 (August 29, 1968) (''Distribution of Variable Annuities by Insurance Companies, Broker-Dealer Registration and Regulation Problems under the Securities Exchange Act of 1934''). The Commission stated that no question will be raised by Commission staff regarding an arrangement where a life insurance company makes commission payments directly to its life insurance agents who are also persons associated with the insurance company's subsidiary broker-dealer, so long as: (1) such payments are made as a purely ministerial service and properly reflected on the books and records of the broker-dealer; (2) a binding agreement exists between the insurance company and the broker dealer that all books and records are maintained by the insurance company as agent on behalf of the broker-dealer and are preserved in conformity with the requirements of Rules 17a–3 and 17a–4 under the Act; (4) all such books and records are subject to inspection by the Commission in accordance with Section 17(a) of the Act; and (5) the subsidiary broker-dealer has assumed full responsibility for the securities activities of all persons engaged directly or indirectly in the variable annuity operation.

[14] *See* no-action letters issued by Division of Market Regulation, Commission to *Traditional Equinet* (January 8, 1992) and *Mariner Financial Services* (December 16, 1988). The Traditional Equinet and Mariner Financial Services letters requesting Commission no-action include references to other Commission no-action letters.

Although the need to recognize such direct payments arose in connection with the sale of variable contract products, the Investment Company Rule includes the same exception in order to recognize Commission no-action letters that permit an insurance company to establish a commission account as a ministerial service to make payments of commission overrides for sales of insurance and investment company securities products.[15] Moreover, the language of the proposed provision in the Investment Company and Variable Contract Rules permits such direct payments by any ''non-member company'' in order to recognize that any entity may be permitted to make such payments.[16]

Subparagraph (1)(2): Securities as Compensation—The NASD is proposing to retain as new subparagraph (1)(2) of the Investment Company Rule the provision currently in subparagraph (l)(1)(A) that prohibits members and associated persons of members from receiving compensation in the form of securities of any kind. The NASD is also proposing a similar provision as subparagraph (2) to paragraph (h) of Rule 2820.

Subparagraphs (l)(3) and (h)(3): Recordkeeping Requirement—The NASD is proposing to adopt as new paragraph (l)(3) of the Investment Company Rule and paragraph (h)(3) of the Variable Contracts Rule the general requirement that members must maintain records of all compensation, cash and non-cash, received from offerors. The records must include the names of the offerors, the names of the associated persons, and the amount of cash and the nature and, if known, the value of non-cash compensation received.

With respect to the requirement that the actual value of non-cash compensation be recorded, if it is known, the NASD believes that the value of a non-cash item is usually not known where unaffiliated third parties contribute to a training and education program sponsored by a member. In this case, it would be appropriate to include only a description of the nature of the non-cash item of compensation. In comparison, the value of non-cash items provided by member firms and/or their affiliates is generally readily known or determinable.

The requirement in the proposed rule to maintain a record of the ''nature'' of the non-cash compensation received requires that the member disclose, in addition to the names of the offerors and the names of the associated persons, whether the non-cash compensation is paid in connection with a sales incentive program or a training and education meeting. The NASD further expects such records to retain all information necessary to determine that the rule is being complied with. Thus, for example, with respect to non-cash compensation received by a member for a training and education meeting, it would be expected that the records would include information demonstrating that the requirements of a training and education meeting were complied with, including the date and location of the meeting, the fact that attendance at the meeting is not conditioned on the achievement of a previously specified sales target, the fact that payment is not applied to the expenses of guests of associated persons of the member, and any other information required to enable NASD Regulation to determine compliance with the rule.

The recordkeeping requirement is not applicable to two types of *de minimis* non-cash compensation allowable under subparagraphs (l)(5) (A) and (B) to the Investment Company Rule and subparagraphs (h)(4) (A) and (B) of the Variable Contracts Rule, discussed more fully below under the exceptions to the prohibition on non-cash compensation.

Subparagraph (l)(4): Prospectus Disclosure of Cash Compensation—The NASD is proposing to adopt a new subparagraph (l)(4) in the Investment Company Rule a requirement that prohibits the acceptance of cash compensation by a member from an offeror unless such compensation is disclosed in a prospectus. In the case where special cash compensation arrangements are made available by an offeror to a member, which arrangements are not made available on the same terms to all members to distribute the securities, the disclosure shall include the name of the recipient member and the details of the special arrangements. This requirement is similar to the current requirement in subparagraph (l)(1)(C) of the Investment Company Rule to disclose all compensation in the prospectus, but has been modified to reference only ''cash compensation'' because non-cash compensation is proposed to be prohibited in a manner that would obviate the need for disclosure of any such non-cash compensation.

The proposed rule change includes two exceptions from the prospectus disclosure requirement in the Investment Company Rule. The two exceptions in new subparagraphs (l)(4) (A) and (B) track the language in current subparagraphs (l)(4) (A) and (B) of the Investment Company Rule, with minor language changes for clarification. These two provisions provide an exception from disclosure for compensation arrangements between: (1) principal underwriters of the same security; and (2) the principal underwriter of a security and the sponsor of a unit investment trust that utilizes such security as its underlying investment. By their terms, these provisions describe arrangements that would not trigger the proposed recordkeeping requirements.

The NASD will reconsider the appropriateness of prospectus disclosure in light of the Commission's recent initiatives for simplified prospectus disclosure as well as the responses to NASD's publication of a Request for Comment on cash compensation issues.[17]

Subparagraphs (l)(5) and (h)(4): Prohibition on Non-Cash Compensation—The NASD is proposing to adopt as new subparagraph (l)(5) to the Investment Company Rule and new subparagraph (h)(4) to the Variable Contracts Rule a general prohibition, with certain exceptions, on the receipt of non-cash compensation in connection with the sale and distribution of investment company and variable contract securities. The new provision would prohibit a member or person associated with a member from directly or indirectly accepting or making payments or offers of payments of any non-cash compensation, unless the payment is specifically excepted. The proposed rule change contains several exceptions from the general prohibition on the receipt of non-cash compensation.

Subparagraphs (l)(5) (A) and (B) and (h)(4) (A) and (B): The NASD is proposing to adopt exceptions that would permit an associated person to accept from a person other than his or her member-employer: (1) gifts that do not exceed an annual amount per person, currently $100 per person, fixed periodically by the Board of Governors; and (2) an occasional meal, a ticket to a sporting event or the theater, or comparable entertainment for persons associated with a member and, if appropriate their guests, which is neither so frequent nor so extensive as to raise any question of propriety. These provisions are based on the current

[15] *See, e.g.*, no action letter issued by the Division of Market Regulation, Commission to Commission to *The Mutual Benefit Life Insurance Company* (December 20, 1984), and other Commission no-action letters cited herein.

[16] *See* no action letter issued by Division of Market Regulation, Commission to *Chubb Securities Corporation* (November 24, 1993).

[17] *See supra* note 7.

provisions of subparagraphs (l)(3)(B)(i) and (C)(i) of the Investment Company Rule. Since such gifts and entertainment are considered non-cash items, they are not required to be disclosed in the prospectus. In addition, these two forms of non-cash compensation are specifically excepted from the recordkeeping requirement of the proposed rules.

The proposed provisions would require that the receipt of such non-cash items not be preconditioned on the achievement by the associated person of a sales target. This language replaces the current requirement in subsection (l)(3)(B)(v) of the Investment Company Rule that entertainment ''not be conditioned on sales of shares of investment companies.'' The revised language is intended to clarify that such gifts and entertainment are permitted to be provided as recognition for past sales or as encouragement for future sales, but shall not be part of an incentive program or plan that requires that the recipient reach a specific sales goal as a prior condition to receive the entertainment or gift.

The proposed exceptions for $100 gifts and entertainment are intended to permit the continuation of long-established, normal business practices, involving benefits with relatively small value such that they are unlikely to impact overall compensation incentives. The exceptions also recognize that NASD Regulation has not detected or been aware of any history of abuses in connection with the receipt of such items of compensation by associated persons of a member firm in connection with the sale of investment company or variable contract securities.

Subparagraphs (l)(5)(C) and 29(h)(4)(C): The NASD is also proposing an exception to the prohibition on non-cash compensation for training and education meeting. This exception is contained in subparagraph (l)(5)(C) of the Investment Company Rule and subparagraph (h)(4)(C) of the Variable Contracts Rule. The proposed exception would, under certain conditions, permit payment or reimbursement by offerors in connection with meetings held by the offeror or by a member for the purpose of training or education of associated persons of a member.[18] It is not unusual for offerors to pay for such meetings in order to discuss their products and to reimburse certain expenses related to meetings held by members in exchange for the opportunity to make a presentation to the associated persons of the member on a particular training or education topic.

This provision is intended to continue to permit members and offerors to hold training or education meetings for associated persons of one or more members, where an offeror or a number of offerors pay for or reimburse the expenses of the meeting. Since investment company and variable contract products are continuously offered, it is particularly important that associated persons receive education opportunities with respect to the investment company and variable contract industries generally, updates on any portfolio changes or structural changes to a current product, and explanations of new products.

Since the proposed prospectus disclosure provision only requires disclosure of cash compensation, the proposed exception would not trigger the disclosure requirements because the payment or reimbursement of expenses by an offeror for a member's training and education meeting is considered to be non-cash compensation.

The NASD anticipates that the agenda of a bona fide training or education meeting will reflect the business purpose of the meeting. In order to establish circumstances that will encourage such a business purpose, the NASD is proposing that the exception for training or education meetings be subject to five conditions that are intended to ensure that the meeting is held for the purpose of training and education and is not, in fact, a prohibited non-cash sales incentive.

The first condition is that the payment or reimbursement by offerors in connection with such meetings is subject to the proposed recordkeeping requirement in subparagraph (l)(3) of the Investment Company Rule and subparagraph (h)(3) of the Variable Contracts Rule. This provision is designed to ensure that information on such payments and reimbursements is maintained in the records of the member and, therefore, capable of examination and regulatory oversight by NASD Regulation.

The second condition is that associated persons must obtain the member's prior approval to attend the meeting. It is anticipated that members will establish a procedure so that their records reflect that appropriate approval has been provided to associated persons in connection with such meetings. This provisions assists members in maintaining supervisory control over their associated persons. Moreover, the second condition also requires that attendance by the member's associated persons may not be based by the employer-member on the achievement of a sales target or any other incentives that would otherwise be permitted under subparagraphs (l)(5)(D) or (h)(4)(D) of the proposed rule. That provision would permit non-cash compensation arrangements between a member and its associated persons or between a non-member company and its sales personnel who are associated persons of an affiliated member, as more fully discussed below. This condition is intended to ensure that the member does not treat a training or education meeting as a non-cash incentive item. The provision is not, however, intended to prevent a member from designating persons to attend a meeting held by the member or by an offeror to recognize past performance or encourage future performance, so long as attendance at the meeting is not earned through a member's in-house sales incentive program, through the sales incentive program of a member's non-member affiliate, or through the achievement of a sales target.

The third condition is that the location of the meeting must be appropriate to its purpose. A showing of appropriate purpose is demonstrated where the location is the office of the offeror or the member, or a facility located in the vicinity of such office. In order to address meetings where the attendees are from a number of offices in a region of the country, the meeting location may be in a regional location.

The fourth condition is that the payment or reimbursement by an offeror must not be applied to the expenses of guests of the associated person.

The fifth and final condition is that the payment or reimbursement by the offeror must not be conditioned by the offeror on the achievement of a sales target or any other non-cash arrangement permitted by subparagraphs (l)(5)(D) or (l)(4)(D) of the proposed rule. This requirement is intended to ensure that the offeror making the payment or reimbursement does not participate in any manner in a member's decision as to which associated persons will attend a member's or offeror's meeting.

The fifth condition and the second provision, which prohibits a member from basing the associated person's attendance at a training or education meeting on achievement of a previously specified sales target or a permissible in-house non-cash incentive arrangement, collectively are intended to clarify that

[18] A member holding a training or education meeting for its associated persons (in comparison to the associated persons of another member) would not be required to comply with this provision if the member does not receive a payment or reimbursement from an offeror for the expenses of the meeting. In any event, the member would not be prohibited from permitting offerors to make a presentation at the meeting.

attendance at a training or education meeting by an associated person is permitted to be approved by a member as a recognition for past sales, but shall not be part of a member's or offeror's incentive program or plan that requires that the recipient or the member reach a sales goal as a prior condition to attending the training or education meeting.

Subparagraphs (l)(5) (D) and (E) and (h)(4) (D) and (E): The NASD is proposing to adopt exceptions from the prohibition on non-cash compensation that will permit: (1) Non-cash compensation arrangements between a member and its associated persons; (2) non-cash compensation arrangements between a non-member company and its sales personnel who are associated persons of an affiliated member; and (3) contributions by a non-member company or other member to a non-cash compensation arrangement between a member and its associated persons.

The three permissible arrangements are subject to four conditions: (1) The member's or non-member's non-cash compensation arrangement, if it includes investment company or variable product securities, must be based on the total production of associated persons with respect to all investment company or variable product securities distributed by that member; (2) the credit received for each investment company or variable contract security must be equally weighted; (3) no unaffiliated non-member company or other unaffiliated member may directly or indirectly participate in the member's or non-member's organization of a permissible non-cash compensation arrangement; and (4) the recordkeeping requirements must be satisfied. However, the applicability of the total production and equal weighting requirements to variable contract securities does not require that variable annuity and variable life products be combined in the same incentive arrangement. Because of the substantially different commission structures that presently apply in the case of each product, the NASD intends that the equal weighting requirement would apply separately to variable annuity and variable life products.

The proposed rule change is intended, in part, to address non-cash compensation that acts as a significant incentive at the point-of-sale to the investor. Such non-cash incentive programs, in addition to creating the potential to undermine the supervisory control of the member over its associated person sales practices when offered by third parties, also may motivate salespersons at the point-of-sale to recommend a specific product on the basis of the incentive rather than a desire to meet the investment needs of the customer.

The NASD's proposed rule change, therefore, attempts to limit non-cash sales incentives regarding the sale of one investment company security over another or one variable contract security over another to situations where such non-cash incentives do not contain the potential to impact the point-of-sale recommendation by an associated person to a customer or to undermine the supervisory control of the member firm with respect to its associated person' sales of these products.

The proposed rule change is designed to eliminate the point-of-sale impact of non-cash sales incentives on the sales practices of an associated person with respect to the sale of investment company and variable contract securities by prohibiting third-party non-cash sales incentive programs and by requiring that all securities of the same product type be included in the member's (or its affiliate's) in-house incentive program and be equally weighted. The proposed rule change, therefore, would prohibit a third-party offeror from conducting a non-cash sales incentive program for associated persons of member firms, in that such programs provide incentives at the point-of-sale to influence a salesperson to sell the proprietary products of the offeror to the exclusion of other products and have the potential to undermine the supervisory control of members with respect to their associated persons. The proposed rule change would, however, continue to permit non-cash incentive programs by a member for its associated persons or by an insurance or investment company for the associated persons of an affiliated member, under the four conditions discussed more fully below. This provision is based on a determination that non-cash compensation arrangements that are internal to the employer-employee relationship do not raise the same supervisory concerns that are present in the compensation arrangements between a non-member and the associated persons of unaffiliated broker-dealers selling its product.

As noted above, another exception permits a non-member affiliate to grant non-cash incentives to the associated persons of its affiliated broker-dealer, subject to the same conditions described above. Particularly in the life insurance industry, non-member insurance companies may hold non-cash sales incentive programs for their sales personnel who are also associated persons of the non-member's affiliated broker-dealer and are licensed to sell both non-securities insurance products and variable contract securities. It is common practice, for example, for a member's parent life insurance company to award ''points'' for the sale of all insurance products—including securities—toward attendance at the insurance company's annual ''leadership conference.'' [19] Moreover, the exception recognizes that, as a practical matter, an insurance company or investment company affiliated with a broker-dealer is in a position through intra-corporate transfers to contribute to and through its relationship to affect the structure of its affiliated broker-dealer's in-house incentive compensation program.

The permissible in-house non-cash arrangements by a member or its affiliate are subject, moreover, to the first two conditions described above (that the program is based on total production and credit for different products is equally weighted). These conditions help to ensure that a non-cash sales incentive earned by a member's associated person is received on a delayed basis and does not influence the associated person's point-of-sale relationship with the investor. Thus, the proposed provisions would allow for sales incentive programs based on such measures as overall gross production, new accounts opened or assets under management. Such measures are not precluded by the proposed rule language and are based on the same intent to align the interests of associated persons, broker-dealers and investors.[20]

In proposing the second condition, requiring equal weighting, the NASD recognizes that differential payouts at all levels is common industry practice and that current methods for determining compensation credits vary, including measurements based on gross production to the firm or net commissions to the associated person. Either practice, as well as other arrangements, would be acceptable under the proposed rule so long as the concept of ''equal weighting'' is met and not skewed by disparate commission, payout or re-allowance structures for individual products. It is believed that these requirements will ensure that

[19] As set forth above, arrangements by insurance companies for compensating salespersons for variable product sales are generally part of a total compensation package based on the sale of non-securities insurance products as well as variable contract securities.

[20] *See* Report of the Committee on Compensation Practices (April 10, 1995) (''Tully Report''), p. 13.

members and their affiliates selling proprietary investment company and variable contracts products do not structure in-house non-cash arrangements that are biased in favor of any one specific product or proprietary products as a group.

A member's or its affiliate's non-cash compensation arrangement is also subject to the restriction that no unaffiliated non-member entity (usually an offeror) or another member can participate directly or indirectly in the member's or its affiliate's organization of a permissible non-cash sales incentive program. This provision is intended to ensure that third-party offerors are not involved in and do not influence the organization of a permissible non-cash sales incentive program by a member or a member's affiliate. The restriction on participation is not, however, intended to prevent a non-member company from making a presentation on its products at a member's or its affiliate's in-house sales incentive meeting at the member's or affiliate's request.

Finally, the non-cash incentive program of a member or its affiliate for a member's associated persons is also subject to the recordkeeping requirements of the proposed rule. Thus, where the member or its associated persons is in receipt of payments or non-cash sales incentives from its affiliated entity, such payments or non-cash sales incentives must be recorded on the books and records of the member firm.

The NASD is also proposing in subparagraph (l)(5)(E) of the Investment Company Rule and subparagraph (h)(4)(E) of the Variable Contracts Rule that any non-member entity (usually an offeror) or another member continue to be permitted to contribute to any member's in-house non-cash sales incentive program, subject to the same four conditions identified above. This provision is intended to permit third-party offerors, and their affiliates, to contribute to the non-cash incentive program of a member in order to benefit the associated persons of the member that sell the offeror's securities.[21] The proposed rule change does not, similarly, permit third-party entities to make contributions to the non-cash incentive program of an affiliate of a member because such non-member affiliates are not subject to the recordkeeping requirements of the proposed rule change. Thus, contributions by third-parties for a non-cash incentive program for associated persons of a member firm may only be made directly to the member.

Relationship of the proposed rule change to the Tully Report. The Tully Report reviewed industry compensation practices in connection with the sale of all forms of securities for associated persons of members, identified conflicts of interests inherent in such practices and identified the ''best practices'' used in the industry to eliminate, reduce or mitigate such conflicts of interest.[22] The rule change proposed herein is limited to addressing certain compensation issues only in connection with the sale of investment company securities and variable contracts. The NASD believes that the proposed rule change is consistent with the characteristics of ''best practices'' identified in the Tully Report in that the requirements in the proposed rule for the receipt of non-cash incentives address the point-of-sale impact of such incentives on the sales practices of an associated person, thereby helping to better align the interests of associated persons, broker-dealers and investors with respect to the sale of investment company securities and variable contracts.

The NASD recognizes, however, that this proposal does not address many significant issues raised by that report and, as noted, will seek public comment on the appropriate regulatory treatment of other types of compensation arrangements. Nonetheless, the NASD believes that this proposal should not be delayed by consideration of these other compensation issues in that this proposal addresses non-cash arrangements that have been generally identified and regarded as potentially abusive practices.

Proposed implementation of new rules. The NASD is proposing that the amendments to the Investment Company and Variable Contracts Rules be implemented in the following manner. The proposed rule change will be effective on the date stated in a Notice to Members announcing Commission approval, which date will be no later than 60 days after Commission approval. As of that date, members will be required to comply with the proposed rule change. With respect to the non-cash and cash sales incentive provisions, no new sales incentive programs may be commenced after the announced effective date. Sales incentive programs that are on-going on the date of effectiveness would be permitted to continue for a period not to exceed six months following the announced effective date. Thus, during the six-month implementation period, no new incentive programs could commence, although sales could be applied to existing incentive programs. Non-cash and cash sales incentives earned by associated persons would be permitted to be received for a period not to exceed twelve months following the expiration of the six-month implementation period.

Statutory Basis

The NASD believes that the proposed rule change is consistent with the provisions of Section 15A(b)(6) of the Act, which require that Association adopt and amend its rules to promote just and equitable principles of fair trade, and generally provide for the protection of investors and the public interest in that the proposed rule change is designed: (1) to adopt new regulations with respect to the sales of variable contract securities in Rule 2820 of the NASD Conduct Rules to regulate the direct payment of compensation to associated persons by persons other than the member with which a person is associated with, to establish recordkeeping requirements; and to regulate the receipt of non-cash compensation by members and their associated persons; and (2) to amend current regulations with respect to the sale of investment company securities in Rule 2830 of the NASD Conduct Rules to clarify the circumstances under which associated persons may receive direct payments of compensation from persons other than the member with which a person is associated with, to establish recordkeeping requirements, to retain current disclosure requirements and a prohibition on the receipt of securities as compensation, and to regulate the receipt of non-cash compensation by members and their associated persons. Moreover, the proposed rule change is designed to minimize the point-of-sale impact of non-cash sales incentives on the recommendations of associated persons to their customers with respect to the sale of investment company and variable contract securities and eliminate any potential that third-part non-cash incentives may undermine the supervisory control of the member with respect to their associated persons, which would increase the possibility for the perception of impropriety that may result in a loss of investor confidence.

B. Self-Regulatory Organization's Statement on Burden on Competition

The NASD does not believe that the proposed rule change will result in any burden on competition that is not

[21] The provision would also permit a member's affiliate to contribute to the member's in-house non-cash incentive program.

[22] *See supra* note 20.

necessary or appropriate in furtherance of the purposes of the Act, as amended.

C. Self-Regulatory Organization's Statement on Comments on the Proposed Rule Change Received From Members, Participants, or Others

The proposed rule change has not been published for member comment. However, SR–NASD–95–61 was published by the Commission for comment on July 8, 1996.[23] SR–NASD–95–61 requested public comment on amendments to Rules 2820 and 2830 of the NASD's Conduct Rules that, among other things, would have prohibited the acceptance, directly or indirectly, of non-cash compensation, with certain exceptions, and would have also prohibited the acceptance, directly or indirectly, of cash compensation preconditioned on achieving a sales target (incentive-based cash compensation provision), with certain exceptions. The exceptions to the incentive-based cash compensation provision would have permitted members to accept cash compensation preconditioned on achieving a sales target so long as the compensation, among other things: (1) was based on total sales of all investment company or variable contract securities offered; and (2) required that the credit received for each investment company or variable contract security sold carries equal weight in structuring the compensation arrangement.

The Commission received comment letters from 30 commenters, 7 of whom were supportive, 18 of whom were opposed, and 5 of whom were neither for nor against the proposal. A summary of the comments is attached as Exhibit A. Most of the commenters were insurance-affiliated members that distributed proprietary variable insurance products of their parent insurance companies and also offered some non-proprietary variable insurance products to accommodate their customers. In addition to ordinary sales commissions, sales of proprietary products often generate other incentive-based cash compensation such as contributions from the parent insurance company to its sales agents' pension plan, health insurance plan, 401(k) plan, and similar fringe benefits. Most commenters regarded the total sales and equal credit requirements of the incentive-based cash compensation provision as very problematic, and stated that the requirements appear to mandate equal treatment of incentive compensation paid for both proprietary and non-proprietary products. Commenters stated that there is not enough profit margin built in to non-proprietary products to fund equal compensation. The commenters also stated that it would be too difficult operationally and practically to implement such an equal treatment system. The commenters also stated that the internal differential compensation practices of member firms ought not to be regulated by the NASD.

The Investment Companies Committee (''ICC''), at its meeting on October 2, 1996, and the Insurance Affiliated Committee (''IAC''), at its meeting on October 8, 1996, reviewed and discussed the comment letters. Both Committees concluded that the incentive-based cash compensation provisions in SR–NASD–95–61 were generally intended by the NASD to prohibit the circumvention of the non-cash prohibition by monetizing the non-cash payment, and were not intended to regulate broader compensation and recognition programs of insurance companies. However, both Committees also agreed with the commenters that the language of the incentive-based cash compensation provision was capable of being interpreted broadly and voted unanimously to either amend the incentive-based cash compensation provision to clarify its intended scope or delete the provision in its entirety.

In subsequent discussions, NASD staff determined to delete the incentive-based cash compensation provision in its entirety. In addition, because of the complexity of issues regarding the variety of cash compensation arrangements in the mutual fund and variable products industry, and the need to explore the nature of these arrangements more thoroughly, NASD staff also determined to solicit the Committees' views on the publication of a Request for Comment requesting general comments on cash compensation issues.[24]

The ICC, at its meeting on February 11, 1997, and the Variable Insurance Products Committee (''VIPC''), a successor to the IAC, at its meeting on February 24, 1997, both agreed with the views of NASD staff and voted unanimously to amend the proposal by deleting the cash compensation provision and to issue the Request for Comment on cash compensation issues.

[23] SR–NASD–95–61 contained a summary of comments in response to the publication by the NASD of Notice to Members 94–67 (August 22, 1994). Those comments, and the NASD's response thereto, are not reproduced in this rule filing, but are contained in the Commission's publication of SR–NASD–95–61. *See supra* note 6.

[24] *See supra* note 7.

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, N.W., Washington, D.C. 20549. Copies of the submission, all subsequent amendments, all written statements with respect to the proposed rule change that are filed with the Commission, and all written communications relating to the proposed rule change between the Commission and any person, other than those that may be withheld from the public in accordance with the provisions of 5 U.S.C. § 552, will be available for inspection and copying at the Commission's Public Reference Room. Copies of such filing will also be available for inspection and copying at the principal office of the NASD. All submissions should refer to File No. SR–NASD–97–35 and should be submitted by September 26, 1997.

For the Commission, by the Division of Market Regulation, pursuant to delegated authority.[25]

Jonathan G. Katz,

Secretary.

Exhibit A—NASD's Summary of Comments Received in Response to the Publication of SR–NASD–95–61

Background

SR–NASD–96–51 requested public comment on amendments to Rules 2830 and 2820 of the NASD's Conduct Rules (formerly, Article III, Sections 26 and 29, respectively, of the NASD Rules of Fair Practice) that would revise existing rules applicable to the sale of investment company securities (''Investment Company Rule'') and

[25] 17 CFR 200.30–3(a)(12).

establish new rules applicable to the sale of variable contract securities (''Variable Contracts Rule''). Generally, the proposed rule change would, in connection with the sale and distribution of investment company securities and variable contracts: (1) adopt definitions of the terms ''affiliated member'', ''cash compensation'', ''non-cash compensation'' and ''offeror''; (2) prohibit, except under certain circumstances, associated persons from receiving any compensation, cash or non-cash, from anyone other than the member with which the person is associated; (3) required that members maintain records of compensation received by the member or its associated persons from offerors; (4) with respect to the Investment Company Rule, prohibit receipt by a member of cash compensation from the offeror unless such arrangement in described in the current prospectus; (5) retain the prohibition, only with respect to the Investment Company Rule, against a member receiving compensation in the form of securities; (6) prohibit, with certain exceptions, members and persons associated with members from accepting, directly or indirectly, any non-cash compensation in connection with the sale of investment company and variable contract securities; and (7) prohibit, with certain exceptions, a person associated with a member from accepting, directly or indirectly, any cash compensation in connection with the sale of investment company and variable contract securities.

The exceptions from the non-cash compensation prohibition would permit: (1) gifts of up to $100 per associated person annually; (2) an occasional meal, ticket to a sporting event or theater, or entertainment for associated persons and their guests; (3) payment or reimbursement for training and education meetings held by a broker-dealer or a mutual fund or insurance company for associated persons of broker-dealers, as long as certain conditions are met; (4) in-house sales incentive programs of broker-dealers for their own associated persons; (5) sales incentive programs of mutual funds and insurance companies for the associated persons of an affiliated broker-dealer; and (6) contributions by any non-member company or other member to a broker-dealer's permissible in-house sales incentive program.

The exceptions from the cash compensation prohibition would permit: (1) in-house sales incentive programs of broker-dealers for their own associated persons; (2) sales incentive programs of mutual funds and insurance companies for the associated persons of an affiliated broker-dealer; and (3) contributions by any non-member company or other member to a broker-dealer's permissible in-house sales incentive program.

The Commission received comment letters from the following commentators:

1. American Council of Life Insurance
2. American Council of Life Insurance
3. American Funds Distributors, Inc.
4. American General Securities Incorporated
5. Banc One Corporation
6. BMA Financial Services, Inc.
7. Carillon Investments, Inc.
8. Cigna Financial Advisors, Inc.
9. Cova Financial Services Life Insurance Company
10. The Equitable Life Assurance Society of the United States
11. First Investors Corporation
12. Investment Company Institute
13. John Hancock Mutual Life Insurance Company
14. John Hancock Mutual Life Insurance Company
15. Locust Street Securities, Inc.
16. Merrill Lynch, Pierce, Fenner & Smith Incorporated
17. M Financial Group
18. The Minnesota Mutual Life Insurance Company
19. The Minnesota Mutual Life Insurance Company
20. MML Investors Services, Inc.
21. National Life of Vermont
22. The New England
23. The Princor Financial Services Corporation
24. Security Benefit Life Insurance Company
25. Sunset Financial Services, Inc.
26. The Union Central Life Insurance Company
27. Walnut Street Securities
28. WS Griffith and Co., Inc.
29. Investment Company Institute
30. SAFECO Life Insurance Company

Of the 30 commenters, 7 were supportive (Comments 2, 3, 5, 10, 12, 16, 29), 18 were opposed (Comments 4, 6, 7, 8, 11, 13, 14, 18, 19, 20, 21, 23, 24, 25, 26, 27, 28, 30), and 5 were neither for nor against the proposal (Comments 1, 9, 15, 17, 22).

General Comments

Those commenters supporting the proposed rule generally applauded the efforts of the NASD and the Commission to provide consistent rules for the sale of investment company securities and variable annuity contracts, supported sensible regulatory enhancements that facilitate the ability of members to execute compliance and supervisory responsibilities, recognized that certain non-cash practices may raise the perception of impropriety and potentially undermine the confidence of investors, such as contests offering lavish trips and expensive prizes, and supported initiatives reasonably targeted to reducing or eliminating potential conflicts of interest in these situations. Some of these commenters, however, also stated that additional work is necessary to ensure that the proposed rules adequately meet the needs expressed and are not overbroad (Comments 2, 3, 5, 10, 12, 16).

The most common general criticism, primarily from insurance-affiliated members distributing proprietary products through the career agency system, was that the proposed rules appear to mandate equal treatment of both proprietary and non-proprietary commission payments and/or cash and non-cash compensation arrangements for the sale of variable products and mutual funds. According to the commenters, this would, among other things, restrict the ability of member firms and their affiliated insurance companies to pay higher commissions for their proprietary products, give an unfair advantage to broker-dealers that do not manufacture their own variable products, lead to the sale of only proprietary variable products, lead to the sale of only fixed insurance products, produce an anti-competitive environment, cause the demise of the traditional insurance career agency system, and conflict with the current practice of treating career agents under IRS rules as ''statutory employees'' when selling proprietary products and ''independent contractors'' when selling non-proprietary products, thus requiring fundamental changes to the compensation structure within parent life insurance companies who continue to offer proprietary and non-proprietary variable insurance contracts (Comments 4, 8, 10, 11, 13, 14, 17, 19, 20, 21, 22, 23, 24, 25, 26, 27, 28).

Specific Comments

Conflicts of Interest

Point of Sale Incentives

Some commenters stated that the proposed rule overemphasized point-of-sale conflicts (Comments 10, 14, 17, 27). One commenter disputed that non-cash incentives are currently influencing a salesperson's product recommendation at the point of sale and stated that therefore the need for the proposed changes does not exist (Comment 27). Another commenter stated that there is little in a proprietary sales force distribution model that distributes an overwhelmingly proprietary product

line, particularly variable insurance products, that seems to raise the prospect of meaningful point-of-sale conflicts, and that if the proposed rules regulate the manner in which non-cash incentives are awarded in situations which don't present a significant conflict of interest, they represent in inappropriate and unwarranted regulatory intrusion into the internal compensation arrangements between a member and its associated persons (Comment 10). Two commentators stated that point-of-sale incentives for variable products are mitigated by the fact that agents selling variable insurance products, as compared to mutual funds, tend to receive a higher percentage commission on premium payments in the early years and to have a greater expectation of future premium payments that will result in additional compensation in subsequent years (Comment 14), and that since a portion of the registered representative's compensation remains dependent upon the continuance of the policy in force, the agent has an intrinsic motivation to place an appropriate and suitable product at inception (Comment 17).

Disclosure

Other commenters argued that the dangers of conflicts of interest at point-of-sale can be addressed through disclosure (Comments 11, 17). One commenter noted that the Commission Release did not suggest that any actual abuses have occurred that justify such substantive regulation of in-house incentive programs, and stated that even assuming that in-house incentive programs favoring proprietary products created the ''possibility'' of a conflict of interest, there is no explanation in the Commission Release why disclosure of possible conflicts would not be sufficient to cure the problem (Comment 11). Another commenter stated that complete prospectus disclosure of the terms of any kind of incentive compensation would provide the customer with complete notice of the incentives, is a far better solution to NASD concerns regarding consumer protection, and would accomplish the NASD's goals without the unintended market impact the proposed rules will have (Comment 17).

Supervision

Other commenters thought conflicts of interest could be properly addressed through supervision (Comments 6, 8). One commenter stated that the proposed rules are too restrictive and specific, and do not adequately recognize the success of members in existing control over their associates and managing their control environments in a manner that sensibly balances legitimate business objectives and potential conflicts of interest (Comment 8). The same commenter further stated that, unlike direct participation program markets in the 1980s, members are effectively managing the supervisory issues associated with the sale of investment company securities and variable contracts, and therefore the proposed rules will have a negative impact on these industries without concomitant benefit. The commenter stated that the Commission should return the proposed rule to the NASD with the suggestion that it be revised to eliminate most of the specific limitations on conduct, and instead emphasize (a) reliance on members to properly control perceived conflicts of interest, and (b) changes (if any) necessary to enable the NASD to supervise the performance of members in exercising such control (Comment 8).

Unlevel Playing Field/Discriminatory Impact

Variable Versus Fixed Insurance Products

Some commenters stated that the proposed rules create an unlevel playing field between sellers of variable contracts and sellers of traditional fixed life insurance products. (Comments 4, 14, 17). One commenter stated that since companies which only sell traditional fixed insurance products are free to provide whatever non-cash compensation they wish, the unintended result of the proposed rules may be that insurance companies with affiliated broker-dealers will request that variable contracts offered by non-affiliated companies be removed from broker-dealers' list of approved products (Comment 4). Another commenter stated that if the proposed rules are adopted, many insurance companies will limit their cash and non-cash incentive compensation programs to sales of non-variable insurance products and registered reps interested in the incentives offered by a particular compensation program may encourage the investor to purchase the non-variable product irrespective of whether that product is the most suitable (Comment 14). Another commenter stated that this unintended skewing does not occur in investment company securities since investment companies do not have any unregistered funds (Comment 17).

Discrimination Against Smaller Issuers and Independent Insurance Agencies

One commenter stated that the proposed rules will place small fund groups which distribute through their own in-house sales forces at a serious economic disadvantage since they will be required to give unaffiliated groups equal access to their distribution systems without having to share the high costs or maintaining such systems (Comment 11). Small fund groups with captive sales forces will clearly suffer because they will probably not have the clout to demand fees for shelf space, and their only alternative may be to take unaffiliated funds off their shelves altogether (Comment 11). If such fund groups could not recover the costs of training in-house sales representatives by ''encouraging'' them to sell house-brand products, they would have little incentive to invest in such training in the first instance (Comment 11).

Another commenter stated that as the rules are presently written, insurance companies that have affiliated broker-dealer may implement and use non-cash compensation incentives to reward their captive brokerage agents while non-cash compensation for independent agents is prohibited, which unfairly discriminates against the independent agent, the independent broker-dealer, and issuers who distribute their products through independent broker-dealers (Comment 17). Thus, captive agents have opportunities with regard to compensation that independent agents do not, which skews the marketplace toward a limited line of products from a single issuer, which may not be in the client's best interest (Comment 17).

Proprietary Versus Non-Proprietary Products

Many commenters stated that the proposed rules, by requiring insurance-affiliated firms to ''equally credit'' sales of all third party products, will force insurance-affiliated firms selling primarily proprietary products to either deny its registered reps access to third-party products, sell such products at a loss, or pay lower commissions for proprietary products (Comments 10, 13, 19, 20, 21, 22, 23, 24, 25, 26, 27, 28). Following are selected excerpts from commenters.

(a) ''Preconditioned on achieving a sales target'' and ''equal credit.''

One commenter stated that virtually all broker-dealer commission schedules provide for banded commissions, i.e., for all sales between $0 and $X, the commission is 40%; for all sales between $X and $Y the commission is 45%. Thus, all commissions are ''preconditioned on a person achieving a sales target'' (Comment 20). The commenter argues that therefore, proposed subparagraph (h)(4) to Rule 2820, which provides that ''no person

associated with a member shall accept any cash compensation that is preconditioned on such person achieving a sales target,'' literally prohibits registered representatives from accepting commissions for their sales unless the commission schedule falls within a specified exception of the rule. The same commenter further argued that subparagraph (h)(4) would mandate that an insurer include within its overall compensation plan not only compensation from sales of the variable contracts which it issues but also compensation from the sales of all the variable contracts which may be distributed by its registered representatives in its affiliated broker-dealer. The commenter concluded that firms with proprietary products will be unable to comply with the ''equal treatment'' mandate of the proposed rules and be forced to limit products to only their proprietary products, which would eliminate the incentive that issuers now have to improve their product design and/or administration so as to allow them to pay out higher total compensation. Thus, any superior profit margins that an issuer may achieve would be used not to provide incentives for further sales of that product but to supplement compensation on non-proprietary products or inferior proprietary products. The commenter stated that the proposed rules, if adopted without further clarification, would be inconsistent with long-standing insurance regulatory practices, and give an unfair competitive advantage to broker-dealers that do not manufacture their own products (Comment 20).

Another commenter stated that the proposed rules require a member firm which offers incentive-compensation on proprietary products to provide comparable incentives in connection with the sale of non-proprietary products, and the most likely means to do so will be to reduce the base commissions (i.e., the non-incentive compensation) paid to registered representatives for the sale of non-proprietary products. These savings in base commission costs (i.e., the additional portion of the dealer concession retained by the member firm) will then be used to provide incentive compensation on non-proprietary products at the same level as on proprietary products. Registered representatives would therefore have an even greater incentive to offer proprietary products given the even greater disparity in base compensation payable between proprietary and non-proprietary products. Such an outcome is also inconsistent with the stated intention of the proposal. The simplest means by which a member firm may comply with the proposed rules is to eliminate all non-proprietary products from its list of products (Comment 19).

Another commenter stated that if a captive dealer could no longer provide incentive programs to its own reps which focused on proprietary products, it would be faced with the unfortunate choice of becoming strictly captive or being less able to earn a return on the traditionally greater investment they have made in their reps, as the benefit of that investment unintentionally accrues partly to outside product providers (Comment 21).

Another commenter stated that if the rules are adopted sales contests will be held only to promote those products whose issuers have the resources to finance multiple contests or who sell through captive agents. This situation creates an advantage for large issuers with the ability to finance the contest of multiple broker-dealers (Comment 24).

Another commenter stated that the proposed rules will have the opposite effect than what is contemplated. The proposed rules will require many companies to make wholesale changes in their compensation plans and in the systems that support these plans, which will cost millions of dollars. Instead, many companies may decide to disallow the sale of ''non-proprietary'' products, in effect limiting the registered rep to one fund family and one variable annuity contract (Comment 25).

(b) Anti-competitive effect.

One commenter stated that because some members might only offer proprietary products, clients of such member firms would have a limited number of products from which to choose unless those clients were willing to shop around among various brokers, which would have a negative effect on competition (Comment 13).

Another commenter stated that because the resulting response by many insurance company broker-dealers with proprietary mutual funds, variable annuities, and variable life insurance will be to reduce or eliminate availability of non-proprietary products, investors will be subject to fewer objective investment recommendations, less portfolio diversification, and recommendations of other possible non suitable products not affected by the proposal, e.g., fixed annuities and and/or permanent insurance policies (Comment 23).

Another commenter stated if the proposed rules take effect, a number of firms will out of necessity be forced to only offer so-called proprietary products. This would severely limit the choice of products being offered to the prospective purchaser by a particular registered representative and necessitate the potential purchaser of a product to go through the time consuming process of having to visit a number of registered representatives (Comment 28).

(c) Effect on ''statutory employee'' compensation and ''career agent'' system.

One commenter stated that although the proposed subparagraphs sections (h)(4) and (1)(6) would appear to mandate the equal treatment of both proprietary and non-proprietary commission payments for variable products and investment companies, the Internal Revenue Code makes this virtually impossible for insurance-affiliated companies utilizing the career agency system. For such companies, the commission and recognition programs for their proprietary variable insurance and annuity products are integrated into the overall compensation plans for its career agents. In accordance with Section 3121(d)(3) of the Internal Revenue Code, payment of commissions of these proprietary variable insurance products to full-time career agents is treated as W–2 income to statutory employees. Typically, such commissions also generate contributions from the parent insurance company to the career agent's pension plan, health insurance plan, 401(k) plan, and similar fringe benefits. Payments made to career agents for sales of non-proprietary products are, however, treated as 1099 income paid to independent contractors. Accordingly, non-proprietary products commissions are not, and cannot be, incorporated into overall compensation plans (Comment 20).

The same commenter further stated that even if commissions from the sales of non-proprietary variable products could somehow be received by the parent insurance company, it would still be impractical to recognize them in the parent's compensation plans because such products are not manufactured by the proprietary issuer and there has been no opportunity to build appropriate margins into the products to cover certain distribution costs, particularly fringe benefit costs (Comment 20).

Another commenter further stated that the profit margins on third-party products are insufficient to fund the cost of providing ''equal credit'' toward all benefits having production eligibility criteria. As a result, if forced to provide equal credit for the sale of non-proprietary variable products, insurance-affiliated firms will be faced

with the Hobson's choice of either denying its registered representatives access to third-party products (to the ultimate detriment of its customers), or selling such products at a loss (Comment 10).

The same commenter stated that to the extent that the proposed rules bring within the definition of ''non-cash compensation'' (or otherwise purport to regulate as incentive-based cash compensation) items that traditionally have been viewed as point-of-sale incentives but instead as benefits customarily afforded in the context of an employer-employee relationship (e.g., health and disability income coverage, tuition reimbursement programs, etc.), the result will be regulation that is disruptive and unduly burdensome, again without meaningfully contributing to the protection of investors (Comment 10).

Another commenter stated that agent compensation is covered in collective bargaining agreements between insurance companies and career agents. If certain forms of compensation are no longer permitted with respect to variable products under the terms of the proposed rules, then collective bargaining agreements may have to be renegotiated (Comment 13).

Training and Education Limitations

Some commenters objected to the limitations imposed on training and education meetings (Comments 8, 20, 23, 24).

One commenter argued that, contrary to the requirements of the proposed rule, it is entirely appropriate to assess eligibility for training and education meetings based on achievement of sales targets. Offerors have a legitimate interest in limiting participation in such meetings to representatives whose sales activities reflects some minimal level of interest in the offeror's product. It is unreasonable without substantial justification to preclude offerors from targeting representatives who have exhibited an ability to market the offeror's product (Comment 8).

The same commenter also stated that the proposed rules should not impose artificial limits on ''appropriate locations'' for training and education meetings organized by offerors. Limiting ''appropriate'' to mean ''an office of the offeror or the member, or a facility located in the vicinity of such office, or a regional location with respect to regional meetings'' is unnecessary and too rigid (Comment 8).

Another commenter similarly stated that the limitations in the proposed rules concerning the locations of education/training meetings should be relaxed, not increased. The proposed rules mistakenly attempt to draw a link between the purpose of a meeting (i.e. education/training) and the location at which such meeting is conducted (i.e. office of the offeror or member). The commenter suggested that the largely irrelevant location requirements for education/training meetings be eliminated and replaced with a simple requirement that the broker-dealer be required to maintain documents (e.g. agendas, attendance lists, etc.) confirming the educational nature of the meeting (Comment 20).

Another commenter stated that, if the proposed rules are adopted, product issuers will have no control over the content of presentations made at training and education conferences. This shift in control of the sales conference from the issuer to the broker will result in the loss of an important forum for issuers to educate independent agents about the products they sell (Comment 24).

Implementation

Some commenters requested that the implementation period for the proposed rules be extended (Comments 11, 13, 15, 27, 28).

One commenter stated that the six-month grace period for implementing the rules is not long enough since many sales contests cover a full year or more than one year, and recommended grandfathering all contests commenced before the effective date of the rule (Comment 11).

Other commenters stated that proper implementation requires that contracts between offerors and member firms will have to be amended to include provisions assuring compliance with the new rules, systems will have to be updated to track compensation of total production, and, if repricing is involved, approval by state insurance departments may be necessary prior to implementation. Such issues could require up to 24 months to fully comply with the proposed rules (Comments 13, 15, 27, 28).

Recommendations

A few commenters suggested changes to the non-cash and cash incentive provisions of the proposed rules (Comments 2, 10, 16, 20, 22).

One commenter stated that the inclusion of subparagraph (h)(4), dealing with cash compensation matters, was confusing because the proposal and its release largely address non-cash compensation rule amendments (Comment 2). The commenter stated that it did not interpret subparagraph (h)(4) as an attempt to establish new procedures governing the receipt of cash compensation by associated persons of a broker-dealer, but as an effort to prevent circumvention of non-cash compensation practices by ''monetizing'' the compensation. The commenter stated that subparagraph (h)(4) could be construed to simply state that broker-dealers may not do indirectly what they are prohibited directly from doing in Rule 2820, and recommended the substitution of this concept for subparagraph (h)(4) (Comment 2).

Another commenter stated that the problems resulting from the equal weighting requirement can be addressed through the adoption of a *de minimis* exception to the provisions of subparagraphs (h)(3)(d) and (h)(4)(a) and through modifications to the definition of non-cash compensation (Comment 10). The commenter stated that the *de minimis* exception could be included as new subparagraph (h)(5) and would state in substance:

> The provisions of subparagraph (ii) of paragraphs (h)(3)(d) and (h)(4)(a) shall not apply to the production of associated persons with respect to variable contracts issued by a non-affiliate of the member to the extent that such variable contracts, in the aggregate, account for [an insubstantial percentage] of the total production of associated persons with respect to variable contracts; and further provided that the member does not actively promote such variable contracts to its associated persons nor permit the offeror of such variable contracts to do so. However, the member shall be required to provide such weight to the production in variable contracts issued by a non-affiliate as it determines, in good faith, best reflects the relative contribution of such production to the profitability of the member, taking into account the desirability of promoting, to the maximum extent practicable, parity in commissions between such product(s) and comparable products, if any, issued by an affiliate (Comment 10).

The commenter also recommended that the definition of non-cash compensation be revised to read as follows: ''Non-cash compensation'' shall mean any merchandise, gifts, prizes, payment of travel expenses, meals and lodging and all other similar items, including cash payments in lieu of any of the foregoing, received in connection with the sale and distribution of variable contracts.'' The commenter stated that, as so revised, the definition would be sufficiently broad so as to encompass those items of non-cash compensation that have traditionally been viewed as having the greatest potential for abuse. By including the phrase ''including cash payments in lieu of any of the foregoing,'' the definition

also would be sufficiently encompassing so as to prevent the abuse that subparagraph (h)(4) of the proposed rules was seemingly designed to address; namely that offerors might seek to ''monetize'' non-cash incentives to circumvent the provisions of the rule. However, the definition would not be so broad so as to unintentionally include items, like health insurance benefits, tuition reimbursement programs, etc., which traditionally have not been viewed as point-of-sale incentives (Comment 10).

One commenter strongly recommended that the proposed rules be amended by deleting Sections (h)(4) and (1)(6) in their entirety (Comment 20).

Another commenter suggested that: (1) the proposed incentive compensation requirements as they relate to proprietary/non-proprietary products be eliminated or revised; specifically, that the total production and equal weighting requirements might be applied separately to all proprietary products together; and, in any case, (2) an exemption be provided for companies for whom the amount of non-proprietary product sales is not material, i.e., a test of materially, or for whom the proprietary and non-proprietary products do not compete (Comment 22).

One commenter stated that the language relating to the inclusion of all investment company securities in incentive arrangements is over-broad and unduly restrictive (Comment 16). The commenter stated that an incentive arrangement which includes both a broad base of funds and funds of each fund family sold by the broker-dealer to an equal extent would meet the objectives of the proposed rules and recommended that the relevant language of proposed Rules 2830(I)(5)(d)(i) and 2830(I)(6)(a)(i) be changed to read as follows:

> The member's or non-member's [non-cash compensation] arrangement, if it includes investment company securities, must (a) include a broad range of investment company securities, (b) not discriminate within the range among investment companies included in the arrangement and (c) give equal weighting to the sale of all investment company securities included in the arrangement by the member (Comment 16).

The same commenter disagrees with the manner in which the NASD proposes to accomplish prospectus disclosure of cash compensation. The commenter states that full service firms which neither act as underwriter for mutual funds sold to its clients nor control the issuer or underwriter of such funds, and thus have very limited ability, if any, to influence the contents of prospectuses, bear the burden adequate prospectus disclosure. Moreover, the proposed rules would place an extraordinary administrative burden on such firms by requiring continuous review of each funds prospectus to evaluate whether the cash compensation disclosure requirements of the proposed rules have been satisfied (Comment 16).

The commenter recommends, therefore, that the proposed amendments be modified to prohibit the ''underwriter'' from paying any cash compensation that is not disclosed in the fund prospectus, and would define the term ''underwriter'' to include ''any person which, directly or indirectly controls, in controlled by or is under common control with the underwriter.'' The commenter stated that this recommended change should accomplish the NASD's purpose of holding a person under its jurisdiction responsible for prospectus disclosure. In addition, because underwriters of investment company securities are generally under common control with the issuer of the investment company securities, it is much more likely that they can control or influence the disclosure contained in the fund's prospectus. Such an approach is consistent with Federal securities laws, which subjects underwriters to ''prospectus liability,'' but not broker-dealers acting as agent in the sale of securities (Comment 16).

Specific Commission Requests for Comments

The Commission Release contained requests for comment on four specific issues. The requests are restated below with a summation of the commenters' responses.

1. The proposed rule change would continue to permit an associated person to accept gifts if the total value does not exceed $100 and an occasional meal, a ticket to a sporting event or the theater, or comparable entertainment. Should members be required to keep records of such gifts or entertainment to enable the NASD to surveil effectively for abuse? The unanimous response of those commenters who answered this question was that, since such *de minimis* activity does not undermine a broker-dealer's supervisory control over registered representatives or create the appearance of impropriety, imposing recordkeeping requirements concerning these activities is not warranted (Comments 2, 3, 4, 5, 7, 8, 12, 16, 20, 23, 26, 27, 28).

2. The proposed rule change would permit a member or an associated person to accept payment or reimbursement from an offeror for expenses incurred in connection with meetings held by the offeror for the purpose of training or educating associated persons of a member. Are the recordkeeping requirements proposed by the NASD sufficient to support determinations of whether such meetings will be bona fide? Most commenters who responded felt that additional recordkeeping in this area was not needed (Comments 2, 3, 4, 7, 26, 27, 28).

Other commenters stated that the requirements were not sufficient (Comments 5, 8, 14). One commenter stated that such records should also include the identification of the nearest office of the member and should contain information relating to the agenda of the meeting in order to document the determination of a bona fide meeting (Comment 5). Another commenter stated that the recordkeeping requirement with respect to education and training meetings should be sufficient to indicate the substance of the meeting and to demonstrate that the location and related activities were appropriate (Comment 8). The commenter suggested that the following information, in addition to that required by the proposed rules, should be sufficient for these purposes: a description of the purpose of the meeting, a statement of the basis on which the member approved attendance at the meeting by the associated person (which would also evidence member approval), and a copy of the agenda of the education and training portion of the meetings (Comment 8). Finally, another commenter suggested that proposed rules are inadequate because they do not require records to be kept with respect to the location of such meetings (Comment 16).

3. The NASD states in its filing that a member holding a training or education meeting for its associated persons would not be required to comply with the conditions imposed with respect to training and education meetings held by offerors or unaffiliated members ''if the member does not receive a payment or reimbursement from an offeror for the expenses of the meeting.'' In any event, the member would not be prohibited from permitting offerors to make a presentation at the meeting. Commenters are asked to address whether a training and education meeting should constitute non-cash compensation subject to the proposed rule change if an offeror participates in organizing the meeting even though an identical meeting would not be subject to the proposed rule

change if organized by the member for its own associated persons. Some commenters who responded felt that when a broker-dealer conducts training and educational seminars with offeror participation it should not constitute non-cash compensation, because the broker-dealer is fully aware of the offeror's participation, because the broker-dealer's supervisory control is not diminished or undermined, because this is not typically an area of abuse, or because flexibility is needed to arrange meetings at locations convenient to attendees and within the budgets available (Comments 2, 7, 20, 23, 26, 27, 28).

Other commenters stated that mere offeror participation, as long as the offeror does not provide any monetary contributions, should not result in the meeting being treated as non-cash compensation (Comments 3, 4, 5, 8).

4. The Tully Committee identified the practice of payment of higher commission to registered representatives for proprietary products than for non-proprietary products as an arrangement that can create conflicts of interest. The proposed rule change would not prohibit or regulate this practice. The proposed rule change would, however, prohibit a contest granting cash awards if the contest gives greater weight to certain securities than others. Commenters are invited to address whether the proposed rule change should be extended to cover ordinary compensation practices in addition to incentive compensation practices. Most commenters who responded stated that the proposed rule change should not cover ordinary compensation practices because the regulatory objectives cited in the proposed amendments are unrelated to the payment of commissions, such an approach would have anti-competitive implications, such an approach would delay the date of effectiveness of the proposed rules, or it would result in duplicative, overlapping regulation (Comments 2, 3, 6, 7, 8, 12, 13, 16, 23, 26, 27).

One commenter, however, stated that he could see barring differentials in cash compensation, since cash compensation is the strongest possible incentive (Comment 4). Another commenter stated that The Tully Committee's report on compensation practices voiced concern over possible conflicts of interest created by both higher commission payments for proprietary products and narrowly focused incentive sales contests. If such practices genuinely create conflicts of interest, the effect of the proposed rule change is to allow higher commissions to be paid year round under a general period. We fail to see the distinction. The ultimate issue for regulatory consideration should be suitability. Regulatory authorities should determine whether or not a conflict of interest is created by higher payments, regardless of the duration of the program and provide consistent proposals for rule changes accordingly (Comment 5).

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SECURITIES AND EXCHANGE COMMISSION

[Release No. 34–38990; File No. SR–NASD–97–56]

Self-Regulatory Organizations; Notice of Filing of Proposed Rule Change by National Association of Securities Dealers, Inc. Relating to the Creation of New Rules 6900 Through 6970 or an Audit Trail System Owned and Operated by the National Association of Securities Dealers, Inc.

August 28, 1997.

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 August 25, 1997,[1] the National Association of Securities Dealers, Inc. (''NASD'') filed with the Securities and Exchange Commission (''SEC'' or ''Commission'') the proposed rule change as described in Items I, II, and III below, which Items have been prepared by NASD Regulation, Inc. (''NASDR''). The Commission is publishing this notice to solicit comments on the proposed rule change from interested persons.

I. Self-Regulatory Organization's Statement of the Terms of Substance of the Proposed Rule Change

NASD Regulation is proposing new Rules 6900 through 6970 of the Conduct Rules of the NASD, relating to an audit trail system owned and operated by the NASD that is designed to capture order information reported by members for integration with The Nasdaq Stock Market, Inc. (''Nasdaq'') quote information and trade information reported to the Automated Confirmation Transaction Service (''ACT'') in order to provide the Association with an accurate time sequenced record of orders and transactions. Below is the text of the proposed rule change. Proposed new language is underlined.

[1] The proposal was originally filed on July 29, 1997, but was subsequently amended on August 25, 1997.

3110. Books and Records

* * * * *

(c) Each member that acts as a market maker in an equity security quoted in the Nasdaq system shall record, with respect to each order for such security that is received and executed at its trading department, an identification of each registered person who executes the order.

* * * * *

6900. Order Audit System

6910. Definitions

For purposes of the Rules 6900 through 6970:

(a) Terms shall have the same meaning as those defined in the By-Laws and other rules of the Association, unless otherwise specified.

(b) ''Association'' shall mean the National Association of Securities Dealers, Inc. and its two subsidiaries, NASD Regulation, Inc. and The Nasdaq Stock Market, Inc.

(c) ''Customer'' shall mean a person other than a broker or dealer.

(d) ''ACT'' shall mean the Automated Confirmation Transaction Service operated by Nasdaq, Inc.

(e) ''Index Arbitrage Trade'' shall mean an arbitrage trading strategy involving the purchase or sale of a ''basket'' or group of securities in conjunction with the purchase or sale, or intended purchase or sale, of one or more cash-settled options or futures contracts on index stock groups, or options on any such futures contracts in an attempt to profit by the price difference, as further defined in New York Stock Exchange Rule 80A.

(f) ''Order'' shall mean any oral, written, or electronic instruction to effect a transaction in a Nasdaq equity security that is received by a member from another person for handling or execution, or that is originated by a department of a member for execution by the same or another member, other than any such instruction to effect a proprietary transaction originated by a trading desk in the ordinary course of a member's market making activities.

(g) ''Order Audit System'' shall mean the automated system owned and operated by the Association that is designed to capture Order information reported by members for integration with trade information reported to ACT and quotation information disseminated by members in order to provide the Association with an accurate time sequenced record of orders and transactions.

(h) ''Program Trade'' shall mean a trading strategy involving the related purchase or sale of a group of 15 or

more securities having a total market value of $1 million or more, as further defined in New York Stock Exchange Rule 80A.

(i) ''Reporting Agent'' shall mean a member that enters into any agreement with another member pursuant to which the Reporting Agent agrees to fulfill such member's obligations under Rule 6950.

(j) ''Reporting Member'' shall mean a member that receives or originates an Order.

6920. Applicability

(a) Unless otherwise indicated, the requirements of Rules 6910 through 6970 are in addition to the requirements contained in the By-Laws and other rules of the Association.

(b) Unless otherwise indicated, the requirements of Rules 6910 through 6970 shall apply to all brokers and dealers admitted to membership in the Association and to their associated persons.

(c) Unless otherwise indicated, the requirements of Rules 6910 through 6970 shall apply to all executed or unexecuted Orders for equity securities traded in The Nasdaq Stock Market.

6930. Synchronization of Member Business Clocks

Each member shall synchronize its business clocks that are used for purposes of recording the date and time of any event that must be recorded pursuant to the By-Laws or other rules of the Association, with reference to a time source as designated by the Association, and shall maintain the synchronization of such business clocks in conformity with such procedures as are prescribed by the Association.

6940. Recording of Order Information

(a) Procedures:

(1) Subject to the terms and conditions contained in Rules 6910 through 6970, each Reporting Member shall:

(A) immediately following receipt or origination of an Order, record each item of information described in paragraph (b) of this Rule that applies to such Order, and record any additional information described in paragraph (b) immediately after such information is received or becomes available; and

(b) immediately following the transmission of an Order to another member, or from one department to another within the same member, record each item of information described in paragraph (b) of this Rule that applies with respect to such transmission.

(2) Each required record of the time of an event shall be expressed in terms of hours, minutes and seconds.

(3) Each Reporting Member shall, by the end of each business day, record each item of information required to be recorded under this Rule in such electronic form as is prescribed by the Association from time to time.

(b) Order information required to be recorded under this Rule includes:

1. an order identifier assigned to the Order by the Reporting Member that uniquely identifies the Order for the date it was received;

2. the identification symbol assigned by the Association to the security to which the Order applies;

3. the member identification symbol assigned by the Association to the Reporting Member;

4. the identification of any department and any registered person who receives the Order directly from a customer;

5. where the Order is originated by a Reporting Member, the identification of the department of the member that originates the Order;

6. where the Reporting Member is a party to an agreement described in Rule 6950(c), the identification of the Reporting Agent;

7. the number of shares to which the Order applies;

8. the designation of the Order as a buy or sell order;

9. the designation of the Order as a short sale order;

10. the designation of the Order as a market order, limit order, stop order or stop limit order;

11. any limit or stop price prescribed in the Order;

12. the date on which the Order expires;

13. the time limit during which the Order is in force;

14. any request by a customer that an order not be displayed, or that a block size order be displayed, pursuant to Rule 11Ac1–4(c) under the Securities Exchange Act of 1934;

15. any minimum quantity of shares required for execution;

16. special handling requests, specified by the Association for purposes of this Rule;

17. the date and time the Order is originated or received by a Reporting Member;

18. an identification of the Order as related to a Program Trade or an Index Arbitrage Trade;

19. the type of account, i.e., retail, wholesale, employee, or proprietary, for which the Order is submitted;

20. where a Reporting Member transmits an Order to another department within the member: (A) the order identifier assigned to the Order by the Reporting Member, (B) the member identification symbol assigned by the Association to the Reporting Member, (C) the date the Order was first originated or received by the Reporting Member, (D) an identification of the department to which the Order was transmitted, and (E) the date and time the Order was received by that department;

21. when a Reporting Member transmits an Order to another member: (A) the order identifier assigned to the Order by the Reporting Member, (B) the member identification symbol assigned by the Association to the Reporting Member, (C) the member identification symbol assigned by the Association to the member to which the Order is transmitted, (D) the date the Order was first originated or received by the Reporting Member, (E) the date and time the Order is transmitted, and (F) the number of shares to which the transmission applies.

22. when a Reporting Member receives an Order from another member, in addition to all other applicable information items that apply with respect to such Order: (A) the order identifier assigned to the Order by the member that transmits the Order, (B) the member identification symbol assigned by the Association to the member that transmits the Order, and (C) the date the Order was first originated or received by the member that transmits the Order;

23. when a Reporting Member modifies or receives a modification to the terms of the Order, in addition to all other applicable information items (including a new order identifier) that would apply as if the modified Order were originated or received at the time of the modification: (A) the order identifier assigned to the Order by the Reporting Member prior to the modification, (B) the date and time the modifications was originated or received, and (C) the date the Order was first originated or received by the Reporting Member.

24. when the Reporting Member cancels or receives a cancellation of an Order, in whole or in part: (A) the order identifier assigned to the Order by the Reporting Member, (B) the member identification symbol assigned by the Association to the Reporting Member, (C) the date the Order was first originated or received by the Reporting Member, (D) the date and time the cancellation was originated or received, (E) if the open balance of an Order is canceled after a partial execution, the number of shares canceled, and (F) whether the Order was canceled on the

instruction of a customer or the Reporting Member; and

25. when an Order is executed, in whole or in part: (A) the order identifier assigned to the Order by the Reporting Member, (B) the member identification symbol assigned by the Association to the Reporting Member, (C) the date the Order was first originated or received by the Reporting Member, (D) the Reporting Member's number assigned for purposes of identifying transaction data in ACT, (E) the designation of the Order as fully or partially executed, (F) the number of shares to which a partial execution applies and the number of unexecuted shares remaining, (G) an identification of each registered person who executed the Order, and (H) the date and time of execution.

6950. Order Data Transmission Requirements

(a) General Requirement

All applicable order information required to be recorded under Rule 6940 shall be transmitted to the Order Audit System by each Reporting Member or by a Reporting Agent pursuant to an agreement described by paragraph (c) of this Rule.

(b) Method of Transmitting Data

(1) Order information shall be transmitted in electronic form, as may be prescribed by the Association from time to time, to a receiving location designated by the Association.

(2) Each Reporting Member shall transmit to the Order Audit System a report containing each applicable item of Order information identified in Rule 6940(b) whenever an Order is originated, received, executed, canceled, modified, or transmitted to another member or another department within the member. Each report shall be transmitted on the day such event occurred, or with respect to any such information that is not available on such day, on the day that such information fist becomes available. Order information reports may be aggregated into one or more transmissions, during such business hours as may be prescribed by the Association.

(c) Reporting Agent Agreements

(1) Any Reporting Member may enter into an agreement with a Reporting Agent pursuant to which the Reporting Agent agrees to fulfill the obligations of such Reporting Member under this Rule. Any such agreement shall be evidenced in writing, which shall specify the respective functions and responsibilities of each party to the agreement that are required to effect full compliance with the requirements of this Rule.

(2) All written documents evidencing an agreement described in paragraph (1) shall be maintained by each party to the agreement.

(3) Each Reporting Member remains primarily responsible for compliance with the requirements of this rule, notwithstanding the existence of an agreement described in this paragraph.

6960. Violation of Order Audit System Rules

Failure of a member or person associated with a member to comply with any of the rules or requirements of Rule 6910 through Rule 6970 may be considered conduct that is inconsistent with high standards of commercial honor and just and equitable principles of trade, in violation of Rule 2110.

6970. Effective Date

The requirements of the Order Audit System shall be effective in accordance with the following schedule:

(a) The requirements of Rule 6930 shall be effective on February 2, 1998.

(b) The requirements of the Order Audit System shall be effective on August 8, 1998 with respect to Orders that are captured by members in electronic form upon or promptly after receipt (''electronic order'').

(c) The requirements of the Order Audit System shall be effective on January 1, 1999 for Orders other than electronic Orders that: (i) are received at the trading department of market makers in the securities that are the subject of the Orders, and (ii) are executed on the same day on which they are received, provided that only information items (1), (2), (3), (6) through (17), (19), (22), (23), (24), and (25) (other than 25(G)), specified in Rule 6940(b) shall be required to be recorded and reported with respect to such Orders.

(d) The requirements of the Order Audit System shall be effective on January 31, 2000 in all respects with respect to all Orders.

(e) The requirements of Rule 3110(c) shall be effective from January 1, 1999 to January 31, 2000.

II. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

In its filing with the Commission, the NASD included statements concerning the purpose of and basis for the proposed rule change and discussed any comments it received on the proposed rule change. The text of these statements may be examined at the places specified in Item IV below. NASD Regulation 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

a. Summary

The NASDR is proposing a series of rule changes (''Proposed Rule'') to create a new order audit trail system (''Order Audit System'') that would impose obligations on member firms to retain in electronic form and to report to NASDR certain items of information with respect to orders received by members relating to equity securities traded in Nasdaq. This information would be integrated with transaction data currently reported by members through ACT and quotation information disseminated by members. In addition, related to the operation of the Order Audit System, the Proposed Rules would require that member firms maintain synchronization of their member clocks with a specific time source designated by the Association.

The Order Audit System will be operated by NASDR as the operating subsidiary of the Association that is responsible for regulating member firms and conducting surveillance of the Nasdaq Market. NASDR will obtain ACT transaction data from, which is responsible for receiving ACT transaction information, on a daily basis for purposes of constructing an integrated audit trail of transaction and order data, and members will be required to transmit ACT identifying information to the Order Audit System. The combination of order data received by the Order Audit System and ACT data is discussed further below.

The Order Audit System would provide a substantially enhanced body of information regarding orders and transactions that would improve the NASDR's ability to conduct surveillance investigations of member firms for violations of Association rules. In addition, the implementation of the Order Audit System would directly fulfill one of the undertakings contained in the order issued by the SEC relating to the effectuation of the Association's regulatory responsibilities.[2] Pursuant to the SEC Order, the Association agreed to undertake to design and implement by August 8, 1998 (or as specified by further order of the Commission) an

[2] *See*, In the Matter of National Association of Securities Dealers, Inc., SEC Release No. 34–37538 (August 8, 1996); Administrative Proceeding File No. 3–9056 (''SEC Order'').

audit trail sufficient to enable the Association to reconstruct markets promptly, conduct efficient surveillance and enforce its rules. The audit trail is required, subject to the Commission's approval, at a minimum, to (a) provide an accurate time-sequenced record of orders and transactions, beginning with the receipt of an order at the first point of contact between the broker-dealer and the customer or counterparty and further documenting the life of the order through the process of execution, and (b) provide for market-wide synchronization of clocks utilized in connection with the audit trail.

In general, the Proposed Rules would require that each member receiving an order relating to equity securities traded in the Market must electronically capture specified information related to the order and electronically transmit this information to the Order Audit System. These requirements would apply both to orders originated by customers and to proprietary orders originated by a department of a member firm and sent to its trading desk or to another member for execution. Further, for both a customer order and an order originated by a department, or desk, of a member firm, the requirement to capture and transmit information would apply whenever the order is passed to another department of the same firm.

Order information would be required to be submitted in either single or multiple electronic file transmissions on the same day that the order, or the specific information pertaining to the order, was received, originated, canceled, modified, transmitted, or executed. Where information containing a particular order is not complete or changes, because for example, the order is only partially executed on the day that it is received, but the order remains outstanding, or if the order is canceled, the additional information would be required to be transmitted on the day that the information first becomes available.

The Proposed Rules contain a special provision that allows a firm to enter into an arrangement with another member pursuant to which such member agrees to report order information on its behalf, in the same way that firms now contract with other members to report transaction data to ACT. In each case, however, the member that actually receives or originates the order would remain primarily responsible for fulfilling each of its obligations under the Proposed Rules.

In addition to the recording and transmission requirements, the Proposed Rules would require that members synchronize their business clocks used for purposes of recording order or trade data to the Association with reference to a single time designated by the Association for this purpose, and that they adopt such procedures as may be necessary to maintain such synchronization during each trading day. This provision is designed to ensure that the times of various events that are reported pursuant to the Proposed Rules are reported in conjunction with a single and verifiable reference point.

The implementation schedule for the Proposed Rules would require all members to synchronize their business clocks that record times for regulatory purposes pursuant to Rule 6930 by February 2, 1998. The implementation schedule for the Proposed Rules contemplates that the requirements would apply to all orders that are received electronically, or captured in electronic form promptly after receipt, as of August 8, 1998. In addition, the Proposed Rules would apply January 1, 1999, a slightly later implementation date, to all orders in an equity security that are received by other than electronic means at the trading desk of a market maker in the security and that are executed on the same day on which they are received. With respect to this group of orders, however, the information required to be electronically recorded and transmitted to the Order Audit System is limited to items of information that are expected to be readily available at the trading desk. These items are enumerated in Rule 6970(c). The proposed implementation schedule would be completed on January 31, 2000, when the Proposed Rules would apply in all respects to all Orders.

Based on extensive consultation with members and regulators and on its own analysis, NASDR believes that, given the substantial initial investments that will be required by member firms to comply with the proposed requirements, and in light of other substantial systems costs that members have been and will be required to make during the next several years, it is appropriate to limit the initial application of the rules. Where members already are capturing order information electronically, the proposal will require that members alter their data processing systems as necessary in order to permit recording all the items required by the rules and to transmit this information to the Order Audit System.

The proposed January 1, 1999 inclusion of orders received by market makers at their trading desks is based on the critical role that market makers play in the market for Nasdaq securities, and the important regulatory interest in assuring that the processing of orders by market makers complies with all applicable requirements. The limitation of the elements that must be recorded recognizes, however, that some information may not be readily available at the trading desk, and that an orderly and efficient implementation of the Order Audit System with respect to market maker telephone orders could be impeded by immediately requiring the manual recordation of all the data elements. In connection with market maker orders, one item of information, the identity of the trader who executes a market maker order, is not being required initially because of the additional time that would be required to manually input long identification numbers in connection with each transaction. However, a temporary amendment to Rule 3110 is being proposed that would require that the member record the identity of traders executing orders sent to market maker trading desks. This provision would ensure that information that could be important for regulatory purposes will be available to regulators upon request.

The limitation to orders that are received and executed on the same day reflects the expectation that compliance burdens will be relatively less when members are contemporaneously being required to provide transaction reports related to the same security following the availability of such additional information.

Rule 6970 proposes to apply the Order Audit System requirements on January 31, 2000 in all respects to all orders. NASDR solicits comment on this issue, based on system changes or other factors that would apply to members that do not presently maintain systems for electronic receipt and routing, and on any associated cost estimates.

b. Section by Section Discussion

Rule 6910—Definitions. Rule 6910 prescribes the definitions that apply to each of the other rules pertaining to the Order Audit System. Paragraph (a) provides that, unless otherwise defined, terms have the same meanings assigned to them in the By-Laws and other rules of the Association.

The term *Order* is defined by paragraph (f) to include any oral, written, or electronic instruction to effect a transaction in a Nasdaq equity security that is either originated by a member or received by a member for handling or execution. The definition is not intended to apply to communications that involve only ''indications of interest'' or discussions that are prefatory to the determination

of the sender of the order to instruct the member to execute or attempt to execute a transaction. At the same time, because the definition includes orders that are received for ''handling,'' it would include instructions that may not be capable of being executed immediately or fully executed at one time, but may instead require negotiation with market makers or other firms, or may require execution in a series of separate transactions.

The definition applies to orders that are received from public customers and from other broker-dealers. It would include orders originated by affiliates of a member and sent to that member, including for example, an order originated by a registered investment company sent to its affiliated broker-dealer. In addition, it applies to orders that are originated by one department of a member and transmitted to another department of the member, *e.g.*, an order that is originated by an institutional sales desk and transmitted to a trading desk or sent to another member. The definition would include, among others, all orders that member firms are obligated to execute under the terms of the ''Firm Quote Rule'' (Rule 11Ac1–1 under the Securities Exchange Act of 1934). The term expressly would not include, however, a proprietary transaction originated by a trading desk in the ordinary course of a member's market making activities.

The definition of *Reporting Member* in paragraph (j) describes the members who are subject to the requirements simply as members that receive or originate Orders. The definition includes members who receive Orders from public customers as well as from other members. In conjunction with the definition of ''Order'', this definition makes clear that all Orders from public customers, from other securities firms, and those that are originated in-house are subject to the requirements of the Proposed Rules.

Paragraph (e) defines the term *Index Arbitrage Trade* to refer to an arbitrage trading strategy involving the purchase or sale of a group of securities in conjunction with the actual or intended purchase or sale of one or more cash-settled options, futures contracts on stock indexes, or options on such futures contracts in an attempt to profit by the price difference. The term *Program Trade* in paragraph (h) is defined to refer to a trading strategy involving the related purchase or sale of a group of 15 or more securities with a market value of at least $1 million. Both definitions generally track the related definitions in, and are further defined by reference to, New York Stock Exchange Rule 80A. The definitions are relevant to the information recording requirements of Rule 6940, described below, that pertain to Orders that are part of an index arbitrage or program trade.

The term *Report Agent* is defined to include members that agree with other members to fulfill the reporting obligations of Rule 6950 on the other member's behalf and is specifically relevant to Rule 6950(c), discussed further below, which permits the use of such agreements, subject to certain conditions.

Rule 6930—Synchronization of member business clocks. The reliability and usefulness of the Order Audit System will depend on the ability of NASDR to require that the business clocks of member firms that are required to record audit trail data are appropriately synchronized. The requirement for such synchronization is a specified element of the undertakings contained in the SEC Order. Because the determination of whether members have complied with various rules and standards to which they are subject, including among others, best execution obligations, compliance with the obligation to honor firm quotes, and prohibitions on frontrunning customer orders, depends critically on establishing with reasonable confidence the time at which Order information is received, the synchronization requirement is a necessary and integral part of the Order Audit System. This requirement is important both with respect to synchronization of clocks within a member firm as well as with respect to market-wide synchronization across member firms.

Proposed Rule 6930 provides that each member shall synchronize its business clocks that are used for purposes of recording and reporting Order, transaction, or related data required by the By-Laws or other rules of the Association, with reference to a specific time source as designated by the Association. The rule further requires that each member firm maintain the synchronization of such clocks in conformity with such procedures as the Association may prescribe. Accordingly, the rule would apply the synchronization requirement to recording and reporting of information to the Order Audit System, to ACT, or to other requirements that the Association may adopt pertaining to transmission of Order and transaction data.

Presently, members and electronic communication networks and service bureaus use a variety of methods for synchronizing business clocks. These methods range from manual synchronization based on time derived from local time sources to subscription to commercial providers of satellite services that programmatically update computers with accurate time. Accordingly, the degree of accuracy of recorded times may vary significantly among member firms.

In implementing this requirement, NASDR would designate, through Notices to Members or other appropriate means, as appropriate sources one or more satellite time scales that are generally recognized and widely followed for commercial purposes. For example, the National Institute of Standards and Technology (NIST) and U.S. Naval Observatory maintain time scales that are essentially equivalent, *i.e.*, they are maintained within a very small fraction of a second of each other.[3] The designation of reference sources such as these should provide to both members and investors an efficient means for confirming the accuracy and reliability of business clocks that are used for trading and reporting purposes.[4]

The obligation to maintain the synchronization of business clocks will be ongoing. It is intended that any policies and procedures adopted by NASDR in this respect will require that the accuracy of clocks be resynchronized on at least a daily basis. NASDR also anticipates that compliance examinations would include a review for the existence of adequate procedures and checks to fulfill this obligation, as well as testing the degree of accuracy of clocks that are used for providing audit trail information against the time reference that is designated by NASDR.

Pursuant to the proposed rule, each such recorded time would need to be synchronized with a designated time and recorded in hours, minutes, and seconds. NASDR will provide further guidance, prior to the effective date of the Proposed Rules, as to the specific standard of accuracy that will need to be maintained, given existing technology and the requirement that times be recorded in seconds. NASDR expects to review carefully member firms' compliance with these requirements,

[3] *See* Proceedings of the Institute of Electrical and Electronics Engineers, *Time and Frequency Information in Telecommunications Systems Standardized by Federal Standard 1002A*, Volume 79, No. 7 (July 1991).

[4] For example, a member or investor can obtain through the Internet information concerning the NIST's Automated Computer Time Service. This service provides to users the ability to synchronize business clocks programmatically with time maintained by NIST. The NIST Website can be accessed at http://www.bldrdoc.gov/timefreq/service/acts.htm.

given the importance of accurate time recordation to the integrated audit trail.

As discussed below, the proposed effective date of the synchronization requirement is February 2, 1998, prior to the effectiveness of the other Proposed Rules.

Rule 6940—Recording of Order information. Rule 6940 prescribes the specific items of Order data that are required to be recorded by each Reporting Member. Paragraph (a)(1)(A) specifically requires that each Reporting Member shall, immediately following receipt of origination of an Order, record each applicable item of information listed in paragraph (b) of the rule. In addition, where specified information is not available at the time that the Order is received, or if information that has been received changes, the rule would require that such information be immediately recorded when it is received. For example, if the Order is canceled, this information would necessarily need to be separately recorded when received.

Paragraph (a)(1)(B) provides that when a member transmits an Order to another member, or from one department to another, each item of information described in paragraph (b) that applies with respect to such transmission must be recorded.

Under paragraph (a)(2), each required record of the time of an event, including the time of receipt or transmission within a member or to another member, must be expressed in terms of hours, minutes, and seconds. The recorded times will be subject to the synchronization requirements, described above.

Finally, pursuant to paragraph (a)(3), each item of information that is not initially recorded electronically, or that is not recorded electronically in an appropriate form, must be recorded in such electronic form as is prescribed by the Association, before the end of the business day on which the information is received. The rule would not preclude recording Order information by paper means, provided that the information is translated into electronic form intra-day in order to permit the daily reporting of this information to the Order Audit System. In many cases, efficiencies may dictate initially recording Order information in electronic form at the point of receipt, but the rule does not mandate this method.

As noted, the rule would require that specified information that pertains to each Order be recorded ''immediately'' following receipt. The rule does not attempt to specify a time limit between receipt and recordation, since the factor may differ marginally based on the volume or Orders that are received at any one time, and whether a particular Order in communicated electronically or orally. Where Order information is not received and processed electronically, it is expected that the time required will be defined by reference to the time practically required to react to the information received and either enter it into an electronic database or manually record it for later translation into electronic form. Whether an Order is received electronically or manually, members would be required to accurately time stamp thee Orders on receipt to comply with the requirements of the Rule. The rule would not permit the ''bunching'' or aggregating of Orders for these purposes but instead would require that information pertaining to each Order be entered sequentially as it is received.

Paragraph (b) of the rule lists the various items of information that are required to be recorded under the rule. We note that this list does not necessarily reflect all of the information that may prove to be necessary or useful for audit trial purposes, and that other or additional items of information could be sought after NASDR has acquired experience with the Order Audit System. For purposes of understanding the different recording requirements in various situations, the following description categories the recording requirements in the following ways: basic identifying information pertaining to the Order itself, or to members, departments or individuals who handle the Order; the terms of the Order as specified by the customer; other information related to the Order; information that is required to be recorded whenever an Order is routed within a member or is passed from one member or another; information that is related to modifications or cancellations; and information pertaining to a complete a partial execution of an Order.

Identifying information. At the point that an Order is received or originated, certain identifying information is required to be recorded, including a unique order identifier assigned by the member firm, the member identification symbol assigned by the Association to the member, and the date on which the Order was received or originated. The combination of these three elements will uniquely identify an Order from all other Orders received or originated by any member on any day. In assigning order identifies, it is intended that members may use identification numbering methods that they presently employ, consistent with any specific requirements imposed by NASDR.

Additional identifying information includes the identification symbol assigned by the Association to the security issue; an identification of the department and any registered person who receives an Order from a customer; where an Order is originated by a member firm, an identification of the department where the Order originated; and where a member is using a Reporting Agent to help fulfill is reporting obligations under Rule 6950, the member identification symbol assigned by the Association to that firm. As noted below, additional information will be required to be recorded when a member routes or passes an Order within the firm or to another member.

With respect to departments and individuals who receive Orders, the rule limits coverage to persons who receive Orders directly from customers, rather than from other members. Rule 6910 defines the term ''customer'' to exclude members or other broker-dealer firms. This formulation results from the significant compliance burden that could result from identification of each individual person who receives an Order from any source, and the relatively greater importance for surveillance purposes attached to identifying persons who receive communications from public customers with respect to their Orders. NASDR specifically solicits comment on the appropriateness of this limitation.

In addition, the rule requires identification of persons who are registered with the Association, rather than extending the coverage to ''associated persons.'' [5] Because all persons handling orders relating to securities are required to be registered with the Association, we believe that this requirement should not create a significant problem for members. In addition, because all registered persons are assigned a number by the Association's Central Registration Depository (''CRD''), and many members may use these numbers currently for purposes of identifying registered persons in their data processing systems, we believe that the limitation to registered persons will significantly lessen the compliance burdens that would be imposed.

Terms of the Order. The following items of information will be required with respect to the terms of the Order that are specified by the party placing the Order: the number of shares to which the Order applies; designation as

[5] *See* NASD Bylaws, Article I(q); 15 U.S.C. § 78c(a)(18).

a buy or sell order; designation as a market order, limit order, stop order or stop limit order; any limit or stop price prescribed in the Order; designation as a short sale order; designation of the time limit during which the Order is to remain in force; any special handling requests contained in the Order; any minimum number of shares required for execution; and the date on which the Order expires.

Prior to the effective date of the Proposed Rules, NASDR will prescribe the types of special handling requests that would need to be recorded. The order type designations, *e.g.*, market or limit order, are not intended to be exclusive, and other designations of Order types that may be prescribed by NASDR based on current commercial practice may also be required. Each such item of information is required to be recorded at the time the Order is placed. As described below, where a customer modifies an existing Order, the modification is treated as a new Order, and the modified information is required to be recorded when the modification is received.

Other information related to the Order. Other information directly related to the Order itself includes: the date and time on which the Order was received; the type of customer account for which the Order is placed; whether the Order is related to a Program Trade or Index Arbitrage Trade [6]; and any special instructions required by the customer under the Commission's Order Handling Rules.

As noted above, recording of the date and time on which the Order was received is of paramount importance for reviewing compliance with a number of regulatory requirements, because of the importance of the timing of market developments and activities by the member in relation to Order receipt time. The time of receipt must be accurately recorded, with reference to the synchronized time that is required to be maintained under Rule 6930. For purposes of defining the type of account for which the Order was placed, the rule describes four categories: retail, wholesale, employee, or proprietary. A separate designation for ''institutional'' accounts has not been included because of our understanding that firm record keeping procedures do not make use of this classification for most purposes, and there is no clear test that is applied for purposes of differentiating ''institutional'' from other public customer accounts. NASDR solicits comment on whether the prescribed categories are appropriate and useful.

The Rule would require identification of situations in which a customer provides special instructions with respect to display of limit orders, pursuant to Rule 11Ac1–4(c) under the Exchange Act. That rule expressly excepts from the requirement to display limit orders: (i) block orders, unless customers request that they be displayed; and (ii) those situations in which customers request that limit orders not be displayed.

Orders routed within a firm. When an Order is routed to another department of the member for execution or for other purposes, item 20 of Rule 6940 prescribes information that is required with respect to this event. Specifically, the information required includes the order identifier assigned to the Order by the member, the member identification symbol, the date the Order was first received or originated by the member, an identification of the department to which the Order was transmitted, and the date and time the Order was received by that department.

Orders routed to another firm. When an Order is sent to another firm, for execution or any other purpose, items 21 and 22 prescribe the information that is required on the part of both the sending and receiving members in order to accurately track the Order. With respect to the sending firm, the following elements are required in order for the Order Audit System to track the Order: the unique order identifier assigned by that firm; the firm's member identification symbol; the date on which the Order was originally received or originated by the member; the date and time the Order is transmitted; the identification symbol of the member to which the Order is transmitted; and the number of shares that are routed. The requirement to record the member identification symbol assigned by the Association to the receiving firm will require that each Reporting Member retain a list of symbols assigned to all members by the Association for electronic reporting purposes.

Where an Order is transmitted to another member, the receiving firm is required to capture all of the elements prescribed in Rule 6940(b) that apply whenever an Order is received. For example, it is required to assign its own unique order identifier and to record all the other terms pertaining to the Order, regardless of whether the Order is originated by the transmitting member or by a third party. In addition to these requirements, other elements pertaining to the sending firm are required. Specifically, the receiving firm will be required to record the unique order identifier assigned by the sending firm, that firm's member identification symbol, and the date the Order was originally received or originated by the transmitting firm. In aggregate, this information will be used to link the Order from firm to firm for purposes of accurately tracking each Order that is passed. NASDR requests comment as to the burdens involved in requiring each receiving firm to record this identifying information with respect to each telephoned Order between members.

Modifications and cancellations. Whenever a member modifies the terms of an Order that it has originated, or receives a modification of terms from a customer or from another member, the Order Audit System will treat the modification effectively as a cancellation of the original Order and its replacement by the modified Order. Accordingly, in this circumstance, all of the other information items prescribed by the rule, including a new order identifier, would need to be recorded as if the Order was modified were originated or received at the time of the modification. In addition, to permit the linkage by the Order Audit System of this ''new'' Order to the previous one, item 23 requires that the following elements be recorded: the order identifier that was assigned prior to the modification; the date and time the modification was originated or received; and the date the original Order was first originated or received by the member.

In the case of a ''true'' cancellation of an existing Order, whether it is a total or partial cancellation, the following elements are required to be recorded: the order identifier assigned by the Reporting Member; its member identification symbol; the date the Order was first originated or received by the Reporting Member; the date and time the cancellation was originated or received; if the open balance of an Order is canceled after a partial execution, the number of shares canceled; and whether or not the Order was canceled at the instruction of the Reporting Member, or a customer.

Executions. One of the most critical functions of the Order Audit System will be to link information reported to the Order Audit System with transaction data that members are now required to report to ACT. This linkage is central to the construction of a wholly integrated audit trail that incorporates the new requirements with existing information for purposes of tracking each Order from the time that it arises until it is executed, modified, or canceled. This linkage is accomplished

[6] Transaction data for trades that are part of a program trade or index arbitrage strategy is required by the New York Stock Exchange to be transmitted to ACT with respect to securities listed on that exchange.

principally by requiring that the executing member firm record, and report to the Order Audit System under Rule 6950, the Branch Sequence number included in each report to ACT for a trade associated with the Order. The member firm reporting to ACT must include, in the Branch Sequence field of the ACT report, and Order identifier that is unique for that firm throughout the reporting day. In addition, for purposes of linking transaction and order data, members will be required to record and report the unique order identifier assigned by the firm, the firm's member identification symbol; and the date the Order was first originated or received.

In addition to these elements, item 25 of Rule 6940(b) prescribes the following elements: a designation of the Order as fully or partially executed; the number of shares to which a partial execution applies and the number of unexecuted shares remaining; an identification of each registered person who executed the Order; and the date and time of execution. Because the rule would prescribe identification of each registered person who receives an Order from a customer (*see* ''Identifying Information'' above), in tandem with this requirement, the Order Audit System will be able to identify each individual involved at the inception of the receipt of an Order from a customer, and each individual who actually executes every Order. As noted above, the identity of traders who execute non-electronic Orders at market maker trading desks is not being required, but instead NASDR is proposing an amendment to Rule 3110 to require that this identifying information be recorded in connection with each such Order that is executed so that the information will be available for regulatory purposes. The requirements of the proposed amendment to Rule 3110 will be effective only from January 1, 1999 until January 31, 2000, at which time the identity of all registered persons who execute an Order will be required to be recorded with the other information items listed under Rule 6940(b)(25).

Rule 6950—Order data transmission requirements. Rule 6950 prescribes the requirements that apply to transmitting to the Order Audit System information that is recorded under rule 6940. Paragraph (a) states the general requirement that all applicable information that is required to be recorded with regard to a particular Order must be transmitted to the Order Audit System by the Reporting Member, or by a Reporting Agent that agrees to send reports on behalf of the Recording Member.

Paragraph (b) sets forth the means by which a data is required to be transmitted. Subparagraph (1) provides that all Order information shall be transmitted in electronic form, as may be prescribed by the Association from time to time, to a receiving location designated by the Association. Compliance with the reporting requirements of the Proposed Rules generally will require member firms to modify existing systems to permit efficient and timely transmission of information,or in some cases, to create new data capturing and reporting systems. Based on the final requirements contained in the Proposed Rules following their approval by the Commission, NASDR will consult with and provide notices to members as necessary in order to further clarify the changes that will be required and to assist member firms in making these modifications in the most cost-efficient way possible. In circumstances where the cost of such changes appears to be disproportionate based on the size of the firm or the nature of its trading activity, paragraph (c) as discussed below would permit the reporting responsibility to be assumed by another member that maintains the technological capability to perform this function. NASDR specifically solicits comment from member firms on this issue, to the extent that they have information that would permit an estimate of the costs that would be required based on the configuration of the Order Audit system defined by the Proposed Rules.

Subparagraph (b)(2) prescribes other requirements for transmitting reports. Each Reporting Member would be required to transmit, on the day that the Order is received, originated, canceled, modified, transmitted, or executed, each applicable item of Order data required to be recorded in electronic form under Rule 6940 that is available on that day, including information pertaining to modifications, cancellations or executions that occur on that day. Where information that initially is recorded changes later in the same day because, for example, a customer determines to modify the terms of the Order due to changing market conditions, consistent with the requirements noted above (*see* ''Modifications and Cancellations''), the member would report the modified Order as if it were a new Order, along with the other information required to be recorded when Orders are modified.

With respect to Orders that are not fully executed on that day that they are received, any additional information pertaining to the Order, including execution information, would be transmitted on the day that it first becomes available. The rule provides that Order reports will be transmitted in either single or multiple files during such business hours as may be prescribed by the Association. This provision is intended to provide members with the flexibility to provide reports in the most time and cost-efficient way. Particularly during periods of heavy volume, it may be desirable to transmit groups of report at various intervals during the course of the day. In addition, this flexibility is intended to avoid delays or other problems in processing information by the Order Audit System that could be caused by the transmission of reports by member firms at or near the same point in time.

Based on further development of the Order Audit System and determinations relating to system capacity and other factors, NASDR will prescribe the hours during which information may be transmitted. The prescribed hours likely will extend past the end of the trading day. The proposal contemplates that all Order information, along with corresponding ACT data that has been integrated with such information, will be available to NASDR staff at the beginning of the trading day following the day on which the information has been transmitted.

Paragraph (c) provides the conditions to use agreements between members and Reporting Agents, by which these agents agree to fulfill reporting obligations under the Rule. Each agreement is required to be set forth in writing, specifying the respective functions and responsibilities of each party. Further, each agreement is required to be maintained by each party. Subparagraph (c)(3) provides that the Reporting Member in each case remains primarily responsible for compliance with the reporting obligations. It is expected therefore that each member that is a party to such an agreement will exercise appropriate diligence to insure that the Reporting Agent is discharging the member's obligations.

NASDR believes that the ability to rely on reporting relations is important to the practicability of the Order Audit System from the standpoint of many small and medium-size firms. Presently, clearing relationships often include the responsibility to report trade information to ACT on behalf of member firms. It is intended that these existing relationships can also be used for purposes of Order Audit System reports. NASDR specifically solicits comment on costs or difficulties that could be involved in amendment existing clearing and reporting

relationships to encompass reporting obligations under Rule 6950.

Rule 6960—Violation of order audit system rules. Rule 6960 provides that failure to comply with any of the requirements set forth in the Proposed Rules may be considered conduct that is inconsistent with high standards of commercial honor and just and equitable principles of trade, in violation of NASD Rule 2110. This provision emphasizes the importance of the Order Audit System to the regulatory mission of the Association and NASDR. NASDR believes that violations of the Proposed Rules that may be deemed to be violations of Rule 2110 of the Conduct Rules would include patterns of persistent or repeated violations, or submissions of inaccurate reports. Ordinarily, cases of isolated or inadvertent violations would not be considered to be violations of Rule 2110 but could be subject to specified fines imposed in an expedited process. In this regard, NASDR specifically solicits comment on whether the Proposed Rules should be included among the rules subject to the disciplinary penalties and procedures contained Rule 9217 and IM–9217 of the NASD Code of Procedure.[7]

Rule 6970—Effective date. NASDR is proposing that the requirements of Rule 6930 be effective for all members on February 2, 1998. This proposed effective date pre-dates by approximately six months the proposed application to certain Orders of the other Proposed Rules. Because the synchronization requirement is designed to ensure the accuracy of times of events that are recorded for regulatory purposes, including under current regulations, the requirement has a purpose that is broader that the accurate recordation of times pursuant to the Proposed Rules. Accordingly, NASDR preliminarily believes that it may be appropriate to implement this requirement as soon as is feasible. In addition, an earlier implementation of the requirement could provide NASDR with experience that could be useful in preparing for the implementation of the Order Audit System. NASDR specifically solicits comment on the feasibility of this implementation date, based on any necessary enhancements to existing systems that would be required. In particular, comments should address the extent to which manual or ''punch'' clocks current are in use for purposes of complying with regulatory requirements, and the extent to which business clocks now record in seconds, or the timetable for any existing plans to upgrade these clocks.

Because of the substantial compliance burdens that will be associated with systems and other changes in order to permit member firms to record and report all the information that would be required under the Proposed Rules, as noted above, NASDR is proposing to apply the requirements on August 8, 1998 only to Orders that are captured by members in electronic form upon or promptly after receipt (''electronic orders''). Where Orders presently are communicated by telephone or some other means but are routinely entered into an electronic data base as soon they are received, NASDR preliminarily believes that its is appropriate to treat these Orders in the same way as if they were transmitted directly in electronic form. NASDR solicits comment on whether this treatment is appropriate.

In addition, a January 1, 1999 implementation date would apply to Orders that are not communicated or routinely entered electronically (''non-electronic orders''), where they are received at the trading desk by members that are market makers in the subject securities. Under this provision, only certain information items initially would be required to be recorded and reported to the Order Audit System. These information items in general correspond to those items that are expected to be generally available at the trading desk at the time that Orders are received. Specifically, the required items include: the order identifier assigned to the Order by the market maker; the date and time on which the Order was originated or received; the member identification symbol assigned by the Association; the identification of the Reporting Member's Reporting Agent, where applicable; the symbol assigned by the Association to the securities that are the subject of the Order; where applicable, the designation of the order as a short sale; whether the Order is to buy or sell; the quantity of shares; the designation of the time in force that applies to the Order; the expiration date; the type of account for which the Order is submitted; any request by a customer that a limit order not be displayed or that a block order be displayed pursuant to Rule 11Ac1–4(c) of the Exchange Act: the designation of the type of Order (market, limit, stop, or stop limit); the designation of any stop or limit price; any designation of a minimum number of shares that must be executed; any special handling instructions; where a member receives an Order from another member, the order identifier assigned to the Order by the member that transmits the Order, the member identification symbol assigned by the Association to the member that transmits the Order, and the date the Order was first originated or received by the member that transmits the Order; and other relevant information when the order is executed, canceled, modified or transmitted to another member. As noted above, data concerning all Orders that are not received electronically will be required to be captured manually immediately after receipt and recorded intra-day in electronic form.

NASDR is not proposing to require initially that the identification of each trader who executes non-electronic Orders received at the trading desk of a market maker be recorded. However, NASDR is proposing an amendment to Rule 3110 to require that this item be recorded in some form, so that this information can be available for regulatory purposes on request.

As noted above, the proposed inclusion of these Orders in the Order Audit System by January 1, 1999 reflects the important role that market makers play in the market for Nasdaq securities and the paramount regulatory and surveillance interest in assuring that market makers comply with all of their obligations. At the same time, the proposal to reduce the number of elements that must be captured initially by market makers when receiving telephone or other non-electronic orders recognizes that requiring the manual transcription of all data elements, including those that may not be immediately available to a registered person at the trading desk, in a form that can be reported to the Order Audit System could impede an orderly and efficient implementation of the Order Audit System. In particular, this provision recognizes the unique nature of market maker trading desks, in terms of the volume of Orders processed and the attendant difficulties that could result in attempting to record and report the specified information during periods of high volume and changing market conditions.

Following finalization of the system configuration and requirements based on Commission approval, substantial systems development and testing will be required prior to August 8, 1998. NASDR may seek a representative group of member firms to participate in early testing and in a voluntary pilot program in advance of the effective date in order to identify problems and gain insight into reporting patterns and volumes. NASDR will provide periodic notices to its members prior to the effective date

[7] *See also* Rule 476A and Supplementary Material of the New York Stock Exchange Guide for comparable rules of the New York Stock Exchange.

with regard to these development activities.

Rule 6970 propose to apply the Order Audit System requirements on January 31, 2000 to all Orders. Accordingly, non-electronic Orders, whether recorded at a market maker trading desk or at another location would be fully subject to all of the recording and reporting requirements of the Proposed Rules on such date. NASDR solicits comment on this issue and on the implementation schedule generally, based on system changes or other factors that would apply to members that do not presently maintain systems for electronic receipt and routing, and on any associated cost estimates.

NASDR believes that the proposed rule change is consistent with the provisions of Section 15A(b)(6) of the Act[8] in that it is designed 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 by creating an Order Audit System that would provide a substantially enhanced body of information regarding orders and transactions that would improve the NASDR's ability to conduct surveillance and investigations of member firms for violations of Association rules. In addition, the implementation of the Order Audit System would directly fulfill one of the undertakings contained in the SEC Order relating to the effectuation of the Association's regulatory responsibilities. Pursuant to the SEC Order, the Association agreed to undertake to design and implement by August 8, 1998 (or as specified by further Order of the Commission) an audit trail sufficient to enable the Association to reconstruct markets promptly, conduct efficient surveillance and enforce its rules.

B. Self-Regulatory Organization's Statement on Burden on Competition

NASD Regulation does not believe that the proposed rule change will result in any burden on competition that is not necessary or appropriate in furtherance of the purposes of the Act, as amended.

C. Self-Regulatory Organization's Statement on Comments on the Proposed Rule Change Received From Members, Participants, or Others

In the process of developing the proposed rule change, NASDR consulted generally with industry representatives and received a number of comment letters in connection with this consultation. Such comment letters are available from NASDR upon request.

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, N.W., Washington, D.C. 20549. Copies of the submission, all subsequent amendments, all written statements with respect to the proposed rule change that are filed with the Commission, and all written communications relating to the proposed rule change between the Commission and any person, other than those that may be withheld from the public in accordance with the provisions of 5 U.S.C. 552, will be available for inspection and copying in the Commission's Public Reference Room. Copies of such filing will also be available for inspection and copying at the principal office of the NASD. All submissions should refer to file number SR–NASD–97–56 and should be submitted by September 26, 1997.

For the Commission, by the Division of Market Regulation, pursuant to delegated authority.[9]

Jonathan G. Katz,

Secretary.

[FR Doc. 97–23602 Filed 9–4–97; 8:45 am]

BILLING CODE 8010–01–M

[8] 15 U.S.C. § 78*o*–3.

[9] 17 CFR 200.30–3(a)(12).

DEPARTMENT OF TRANSPORTATION

Office of the Secretary

Applications of Custom Air Transport, Inc., for Certificate Authority

AGENCY: Department of Transportation.

ACTION: Notice of order to show cause (Order 97–8–29) Dockets OST–97–2255 and OST–97–2256.

SUMMARY: The Department of Transportation is directing all interested persons to show cause why it should not issue an order finding Custom Air Transport, Inc., fit, willing, and able, and awarding it certificates of public convenience and necessity to engage in interstate and foreign charter air transportation of persons, property, and mail.

DATES: Persons wishing to file objections should do so no later than September 15, 1997.

ADDRESSES: Objections and answers to objections should be filed in Dockets OST–97–2255 and OST–97–2256 and addressed to Department of Transportation Dockets, U.S. Department of Transportation, 400 Seventh Street, S.W., Rm. PL–401, Washington, D.C. 20590, and should be served upon the parties listed in Attachment A to the order.

FOR FURTHER INFORMATION CONTACT: Ms. Carol A. Woods, Air Carrier Fitness Division (X–56, Room 6401), U.S. Department of Transportation, 400 Seventh Street, S.W., Washington, DC 20590, (202) 366–2340.

Dated: August 29, 1997.

Charles A. Hunnicutt,

Assistant Secretary for Aviation and International Affairs.

[FR Doc. 97–23511 Filed 9–4–97; 8:45 am]

BILLING CODE 4910–62–P

DEPARTMENT OF TRANSPORTATION

Privacy Act of 1974; Notice To Amend System of Records To Include New Routine Uses

AGENCY: Department of Transportation.

ACTION: Notice to amend system of records to include new routine uses.

SUMMARY: In accordance with the Privacy Act (5 U.S.C. 552a(e)(11)), the Department of Transportation is issuing notice of our intent to amend the system of records entitled DOT/ALL 11, Integrated Personnel and Payroll System (IPPS) to include new routine uses. We invite public comment on this publication.

EFFECTIVE DATE: October 6, 1997.

ADDRESSES: Interested individuals may comment on this publication by writing to U.S. Department of Transportation, Office of the Chief Information Officer (S–80), Attn: Privacy Act Officer, 400 7th Street, SW., Washington, DC 20590.

FOR FURTHER INFORMATION CONTACT: Crystal M. Bush, Privacy Act Coordinator, Office of the Chief Information Officer (S–80), U.S. Department of Transportation, 400 7th Street, SW., Washington, DC 20590. Telephone: (202) 366–9713, Fax: (202) 366–7066, Internet Address: crystal.bush@ost.dot.gov.

SUPPLEMENTARY INFORMATION:

I. Discussion of Proposed Additions to Routine Use

Pursuant to section 453A(b)(1)(c) of Pub. L. 104–193, the Personal Responsibility and Work Opportunity Reconciliation Act of 1996, the Department of Transportation will disclose data from its Integrated Personnel and Payroll System (IPPS) to the Office of Child Support Enforcement, Administration for Children and Families, Department of Health and Human Services for use in its Federal Parent Locator System (FPLS) and Federal Tax Offset System, DHHS/OCSE No. 09–90–0074. Information on this system was last published at 61 FR 38754, July 25, 1996.

FPLS is a computerized network through which States may request location information from Federal and State agencies to find non-custodial parents and/or their employers for purposes of establishing paternity and securing support. Effective October 1, 1997, the FPLS will be enlarged to include the National Directory of New Hires, a database containing information on employees commencing employment, quarterly wage data on private and public sector employees, and information on unemployment compensation benefits. Effective October 1, 1998, the FPLS will be expanded to include a Federal Case Registry. The Federal Case Registry will contain abstracts on all participants involved in child support enforcement cases. When the Federal Case Registry is instituted, its files will be matched on an ongoing basis against the files in the National Directory of New Hires to determine if an employee is a participant in a child support case anywhere in the country. If the FPLS identifies a person as being a participant in a State child support case, that State will be notified of the participant's current employer. State requests to the FPLS for location information will also continue to be processed after October 1, 1998.

The data to be disclosed by DOT to the FPLS include: employee name, employee date of birth, employee social security number, employee address, employee date of hire, employee state of hire, employer name, employer address, employer ID number.

In addition, names and social security numbers submitted by DOT to the FPLS will be disclosed by the Office of Child Support Enforcement to the Social Security Administration for verification to ensure that the social security number provided is correct.

The data disclosed by DOT to the FPLS will also be disclosed by the Office of Child Support Enforcement to the Secretary of the Treasury for use in verifying claims for the advance payment of the earned income tax credit or to verify a claim of employment on a tax return.

II. Compatibility of Proposed Routine Uses

We are proposing these routine uses in accordance with the Privacy Act (5 U.S.C. 552a(b)(3)). The Privacy Act permits the disclosure of information about individuals without their consent for a routine use where the information will be used for a purpose which is compatible with the purpose for which the information was originally collected. The Office of Management and Budget has indicated that a ''compatible'' use is a use which is necessary and proper. *See* OMB Guidelines, 51 FR 18982, 18985, May 23, 1986. Since the proposed uses of the data are required by Pub. L. 104–193, they are clearly necessary and proper uses, and therefore ''compatible'' uses which meet Privacy Act requirements.

III. Effect of the Proposed Changes on Individuals

We will disclose information under the proposed routine uses only as required by Pub. L. 104–193 and as permitted by the Privacy Act.

Accordingly, the DOT ALL/11 Integrated Personnel and Payroll system notice originally published at 59 FR 46078, Sept. 6, 1994, and most recently amended at 61 FR 42301, Aug. 14, 1996, is further amended as set forth below.

DOT/ALL 11

SYSTEM NAME:

Integrated Personnel and Payroll System (IPPS).

SECURITY CLASSIFICATION:

Unclassified sensitive.

SYSTEM LOCATION:

U.S. Department of Transportation (DOT), Office of the Secretary (OST), 400 7th Street, SW., Washington, DC 20590. Working copies of certain records are held by OST, all DOT Operating Administrations, Office of the Inspector General (OIG), and the National Transportation Safety Board (NTSB). (DOT provides personnel and payroll services to NTSB on a reimbursable basis, although NTSB is not a DOT entity. This is done for economy and convenience since both organizations' missions are transportation oriented and located in the same geographic areas.).

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Prospective, present, and former employees in the Office of the Secretary of Transportation (OST), Bureau of Transportation Statistics (BTS), Federal Aviation Administration (FAA), Federal Highway Administration (FHWA), Federal Railroad Administration (FRA), Federal Transit Administration (FTA), Maritime Administration (MARAD), National Highway Traffic Safety Administration (NHTSA), Office of the Inspector General (OIG), Research and Special Programs Administration (RSPA), St. Lawrence Seaway Development Corporation (SLSDC), Transportation Administrative Service Center (TASC), National Transportation Safety Board (NTSB), and civilian employees of the United States Coast Guard (USCG).

CATEGORIES OF RECORDS IN THE SYSTEM:

This system contains those records required to insure that an employee receives his or her pay and personnel benefits as required by law. It includes, as appropriate: Service Record, Employee Record, Position Identification Strip, Claim for 10-Point Veteran Preference, Request for Referral Eligibles, Request and Justification for Selective Factors and Quality Ranking Factors, Certification of Insured Employee's Retired Status (Federal Employees' Group Life Insurance (FEGLI)), Notification of Personnel Action, Notice of Short-Term Employment, Request for Insurance (FEGLI), Designation of Beneficiary (FEGLI), Notice of Conversion Privilege, Agency Certification of Insurance Status (FEGLI), Request for Approval of Non-Competitive Action, Appointment Affidavits, Declaration of Appointee, Agency Request to Pass Over a Preference Eligible or Object to an Eligible, Official Personnel Folder, Official Personnel Folder Tab Insert, Incentive Awards Program Annual

Report, Application for Leave, Monthly Report of Federal Civilian Employment, Payroll Report of Federal Civilian Employment, Semi-annual Report of Federal Participation in Enrollee Programs, Request for Official Personnel Folder (Separated Employee), Statement of Prior Federal Civilian and Military Service, Personal Qualifications Statement, Continuation Sheet for Standard Form 171 ''Personal Qualifications Statement'', amendment to Personal Qualifications Statement, Job Qualifications Statement, Statement of Physical Ability for Light Duty Work, Request, Authorization, Agreement and Certification for Training, United States (U.S.) Government Payroll Savings Plan-Consolidated Quarterly Report, Financial Disclosure Report, Information Sheet-Financial Disclosure Report, Payroll for Personal Services, Pay Receipt for Cash Payment—Not Transferable, Payroll Change Slip, Payroll for Personal Service—Payroll Certification and Summary—Memorandum, Record of Leave Data, Designation of Beneficiary—Unpaid Compensation of Deceased Civilian Employee, U.S. Savings Bond Issue File Action Request, Subscriber List for Issuance of United States Savings Bonds, Request for Payroll Deductions for Labor Organization Dues, Revocation of Voluntary Authorization for Allotment of Compensation for Payment of Labor Organization dues, Request by Employee for Payment of Salaries or Wages by Credit to Account at a Financial Organization, Designation of Beneficiary—Unpaid Compensation of Deceased Civilian Employee, U.S. Savings Bond Issue File Action Request, Subscriber List for Issuance of United States Savings Bonds, Request for Payroll Deductions for Labor Organization Dues, Revocation of Voluntary Authorization for Allotment of Compensation for Payment of Labor Organization Dues, Request by Employee for Payment of Salaries or Wages by Credit to Account at a Financial Organization, Authorization for Purchase and Request for Change: U.S. Series EE Savings Bond, Request by Employee for Allotment of Pay for Credit to Savings Accounts with a Financial Organization, Application for Death Benefits—Civil Service Retirement System, Application for Retirement—Civil Service Retirement System, Superior Officer's Statement in Connection with Disability Retirement, Physician's Statement for Employee Disability Retirement Purposes, Transmittal of Medical and Related Documents for Employee Disability Retirement, Request for Medical Records (To Hospital or Institution) in Connection with Disability Retirement, Application for Refund of Retirement Deductions, Application to Make Deposit or Redeposit, Application to Make Voluntary Contribution, Request for Recovery of Debt Due the United States (Civil Service Retirement System), Register of Separations and Transfers—Civil Service Retirement System, Register of Adjustments—Civil Service Retirement System, Annual Summary Retirement Fund Transactions, Designation of Beneficiary—Civil Service Retirement System, Health Benefits Registration Form-Federal Employees Health Benefits Program, Notice of Change in Health Benefits Enrollment, Transmittal and Summary Report to Carrier—Federal Employees Health Benefits Program, Report of Withholding and Contributions for Health Benefits, Group Life Insurance, and Civil Service Retirement, Report of Withholdings and Contributions, Employee Service Statement, Election of Coverage and Benefits, Designation of Beneficiary, Position Description, Inquiry for United States Government Use Only, Application for Retirement—Foreign Service Retire System, Designation of Beneficiary, Application for Refund of Retirement Contributions (Foreign Service Retirement System), Election to Receive Extra Service Credit Towards Retirement (or Revocation Thereof), Application for Service Credit, Employee Suggestion Form, Meritorious Service Increase Certificate, Foreign Service Emergency Locator Information, Leave Record, Leave Summary, Individual Pay Card, Time and Attendance Report, Time and Attendance Report (For Use Abroad).

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

49 U.S.C 322.

PURPOSE(S):

This system integrates personnel and payroll functions.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

1. Records are maintained for control and accountability of: Pay and allowances; permanent and temporary pay changes; pay adjustments; travel advances and allowances; leave balances for employees; earnings and deductions by pay periods, and pay and earning statements for employees; management information as required on an ad hoc basis; payroll checks and bond history; union dues; withholdings to financial institutions, charitable organizations and professional associations; summary of earnings and deductions; claims for reimbursement sent to the General Accounting Office (GAO); federal, state, and local taxes withholdings; and list of FICA employees for management reporting.

2. To the Office of Child Support Enforcement, Administration for Children and Families, Department of Health and Human Services Federal Parent Locator System (FPLS) and Federal Tax Offset System for use in locating individuals and identifying their income sources to establish paternity, establish and modify orders of support and for enforcement action.

3. To the Office of Child Support Enforcement for release to the Social Security Administration for verifying social security numbers in connection with the operation of the FPLS by the Office of Child Support Enforcement.

4. To Office of Child Support Enforcement for release to the Department of Treasury for purposes of administering the Earned Income Tax Credit Program (Section 32, Internal Revenue Code of 1986) and verifying a claim with respect to employment in a tax return.

DISCLOSURE TO CONSUMER REPORTING AGENCIES:

Disclosures pursuant to 5 U.S.C. 552a(b)(12): Disclosures may be made from this system to ''consumer reporting agencies'' as defined in the Fair Credit Reporting Act (15 U.S.C. 1681a(f)) or the Federal Claims Collection Act of 1982 (31 U.S.C. 3701(a)(3)).

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Storage is on magnetic disks, magnetic tape, microforms, and paper forms in file folders.

RETRIEVABILITY:

Retrieval from the system is by social security number, employee number, organization code, or home address; these can be accessed only by individuals authorized such access.

SAFEGUARDS:

Computers provide privacy and access limitations by requiring a user name and password match. Access to decentralized segments are similarly controlled. Only those personnel with a need to have access to the system are given user names and passwords. Data are manually and/or electronically stored in locked rooms with limited access.

RETENTION AND DISPOSAL:

The IPPS records are retained and disposed in compliance with the General Records Schedules, National Archives and Records Administration, Washington, DC 20408. The following schedules apply: General Records Schedule 1, Civilian Personnel Records, Pages 1 thru 22, Items 1 through 39; and General Records Schedule 2, Payrolling and Pay Administration Records, Pages 1 thru 6, Items 1 thru 28.

SYSTEM MANAGER(S) AND ADDRESS:

For personnel-related issues, contact Chief, Strategic Planning/Systems Division (M–10) and, for payroll-related issues, contact Chief, Financial Management Staff (B–35) at the following address: U.S. Department of Transportation, Office of the Secretary, 400 Seventh Street SW., Washington, DC 20590.

NOTIFICATION PROCEDURE:

Individuals wishing to know if their records appear in this system of records may inquire in person or in writing to the system manager.

RECORD ACCESS PROCEDURES:

Same as ''System Manager.''

CONTESTING RECORD PROCEDURES:

Same as ''System Manager.'' Correspondence contesting records must include the full name and social security number of the individual concerned and documentation justifying the claims.

RECORD SOURCE CATEGORIES:

Data are collected from the individual employees, time and attendance clerks, supervisors, official personnel records, personal financial statements, correspondence with the debtor, records relating to hearings on the debt, and from the Departmental Accounting and Financial Information system of records.

EXEMPTIONS CLAIMED FOR THIS SYSTEM:

None.

Dated: August 29, 1997.

Crystal M. Bush,

Acting Manager, Information Resource Management Division, Office of the Chief Information Officer, Department of Transportation.

[FR Doc. 97–23651 Filed 9–4–97; 8:45 am]

BILLING CODE 4210–62–P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

Executive Committee of the Aviation Rulemaking Advisory Committee; Meeting

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Notice of meeting.

SUMMARY: The FAA is issuing this notice to advise the public of a meeting of the Executive Committee of the Federal Aviation Administration Aviation Rulemaking Advisory Committee.

DATES: The meeting will be held on September 22, 1997, at 10:30 a.m. Arrange for oral presentations by September 8, 1997.

ADDRESSES: The meeting will be held at the Federal Aviation Administration, 800 Independence Avenue, SW., MOC Room, Room 1014, Washington, DC.

FOR FURTHER INFORMATION CONTACT: Miss Jean Casciano, Federal Aviation Administration, 800 Independence Avenue, SW., Washington, DC 20591, telephone (202) 267–9683; fax (202) 267–5075; e-mail Jean.Cascianofaa.@dot.gov.

SUPPLEMENTARY INFORMATION: Pursuant to section 10(a)(2) of the Federal Advisory Committee Act (Pub. L. 92–463; 5 U.S.C. App. II), notice is hereby given of a meeting of the Executive Committee to be held on September 22, 1997, at the Federal Aviation Administration, 800 Independence Avenue, SW., MOC Room, Room 1014, Washington, DC. The agenda will include:

- The final report of the National Parks Overflights Working Group
- A possible vote on the Digital Information Working Group's use of electronic signatures notice of proposed rulemaking and advisory circular

Attendance is open to the interested public but will be limited to the space available. The public must make arrangements by September 8, 1997, to present oral statements at the meeting. The public may present written statements to the executive committee at any time by providing 25 copies to the Executive Director, or by bringing the copies to him at the meeting.

Sign and oral interpretation can be made available at the meeting, as well as an assistive listening device, if requested 10 calendar days before the meeting. Arrangements may be made by contacting the person listed under the heading **FOR FURTHER INFORMATION CONTACT.**

Issued in Washington, DC, on August 29, 1997.

Joseph A. Hawkins,

Executive Director, Aviation Rulemaking Advisory Committee.

[FR Doc. 97–23636 Filed 9–4–97; 8:45 am]

BILLING CODE 4910–13–M

DEPARTMENT OF TRANSPORTATION

National Highway Traffic Safety Administration

[Docket No. 97–028; Notice 2]

Hella K.G., Hueck & Co.; Grant of Application for Decision of Inconsequential Noncompliance

This notice grants the application by Hella K.G., Hueck & Company (Hella) to be exempt from the notification and remedy requirements of 49 U.S.C. 30118(d) and 30120(h) for noncompliance with 49 CFR 571.108, Federal Motor Vehicle Safety Standard (FMVSS) No. 108, ''Lamps, Reflective Devices and Associated equipment.'' The basis of the application is that the noncompliance is inconsequential to motor vehicle safety.

Notice of receipt of the application was published in the **Federal Register** on April 18, 1997, requesting comments on Hella's application, with a 30-day comment period (62 FR 19168). No comments were received on the Notice.

Paragraph S.7.5(g) of FMVSS No. 108 requires that the lens of each replaceable bulb headlamp shall bear permanent marking in front of each replaceable light source with which it is equipped that states the HB Type, if the light source is designed to conform to specified subparagraphs.

Hella's description of the inconsequential noncompliance follows:

VAN HOOL buses of Belgium designed a new bus (T9) which is intended to be exported to the U.S.A. HELLA K.G. in Germany designed and manufactured the US-type headlamps but inadvertently exchanged the required bulb designation on the headlamp's lens so that an ''HB 3'' marking appears in front of the HB 4 reflector area—and vice versa. The total manufacturing of these headlamps has been done in 1996 in advance of a two years need for the intended export of the buses. Today, only a few buses for expositions for vehicle shows has been exported to the U.S.A. About [a] hundred headlamps are still on stock at HELLA, VAN HOOL or HELLA's representative in Belgium.

Hella supports its application for inconsequential noncompliance with the following:

Federal Motor Vehicle Safety Standard No. 108 (FMVSS 108) requires in Section S.7.5(g) that the relevant light source designation has to be marked on the lens in front of the

headlamps reflector area. This is the case but the marking does not appear at the correct location. We [Hella] do not see any violation of highway safety because the bulb and socket system have indexing features that prevent a misuse or wrong insertion into a headlamp where the bulb is not designed to be used for. So, only some kind of irritation may occur whenever a bulb has to [be] replaced. Another important aspect will be that the relevant vehicles are not sold to a random experienced motorist but only to professionals and the service of the bus will also be done by an experienced staff.

VAN HOOL's representative in the U.S.A.: Distributor, ABC Coach Inc.,7469 West Highway, Winter Garden, FL 32787 USA, will be informed about this case. The total number of buses involved will be 300 within the next two years.

In November 1996 and December 1996 each two vehicles are already delivered. The next scheduled delivery will be in April 1997 (13 buses).

Remedy action: A warning label on the back of the headlamp housing near the bulbs indicates the correct bulb type designation to be used. (A retooling or labeling of the lens with the proper markings will cause the headlamp photometry to fail in terms of photometric performance.)

Discussion and Decision

The National Highway Traffic Safety Administration (NHTSA) concurs with the Hella statements that the HB3 and HB4 bulb socket systems have indexing features (a key system) that prevent a misuse or wrong bulb insertion into a headlamp where the bulb is not designed to be used in that specific headlamp, i.e., a HB3 bulb can not be inserted into a headlamp designed to accept a HB4 bulb and vice versa. Hella stated that it would implement a remedy action of a warning label on the back of the headlamp housing near the bulb indicating the correct bulb type designation to be used as a replacement. NHTSA believes that this labeling will be useful in ameliorating the lack of proper marking on the face of the headlamp lens, so that information regarding the correct replacement bulb is clearly available to an individual wishing to replace the bulb. Additionally, Hella has stated in its letter of application that the vehicles that are equipped with the mislabeled bulbs will not be sold to the general public, but to a professional service with an experienced staff. The implication of this statement is that the experienced staff would better understand that the bulbs were mislabeled.

As a result of the action being taken by Hella, and because of the bulb and socket key design, NHTSA has concluded that Hella has met its burden of persuasion that the noncompliance herein described is inconsequential to motor vehicle safety. Consequently, NHTSA is granting the application for exemption from notification of the noncompliance as required by 49 U.S.C. 30118 and from remedy as required by 49 U.S.C. 30120.

It should be noted that the agency's authority under the inconsequentiality provisions is limited to providing relief from the obligation to notify and remedy noncompliance for items already sold to customers. Accordingly, further sale or distribution of such headlamps as Hella has determined do not conform to FMVSS No. 108, whether by Hella or its distributors, would be a violation of 49 U.S.C. 30112(a), and render the violators liable for civil penalties. In its letter of application for an inconsequential noncompliance to the agency Hella stated that in November 1996 and December 1996 two vehicles each, with the mislabeled headlamps were delivered to their customer. Hella further stated that the next delivery was scheduled for April 1997 (13 buses). The total number of buses equipped with the subject bulbs will be 300 within the next two years. NHTSA, in an April 1997 letter to VAN HOOL buses, Hella, and other appropriate parties, advised that the Hella application for inconsequential noncompliance is applicable only to the four buses mentioned in its letter of application, delivered before the filing of Hella's application.

(49 U.S.C. 30118 and 30120; delegations of authority at 49 CFR 1.50 and 501.8)

Issued on: August 29, 1997.

L. Robert Shelton,

Associate Administrator for Safety Performance Standards.

[FR Doc. 97–23509 Filed 9–4–97; 8:45 am]

BILLING CODE 4910–59–P

DEPARTMENT OF TRANSPORTATION

Surface Transportation Board

[STB Finance Docket No. 33446]

City of Anacortes—Acquisition and Operation Exemption—The Burlington Northern and Santa Fe Railway Company

The City of Anacortes (City),[1] a noncarrier, has filed a verified notice of exemption under 49 CFR 1150.31 to acquire from The Burlington Northern and Santa Fe Railway Company and to operate approximately 3.98 miles of rail line known as the Anacortes Branch from its endpoint at milepost 0.0, in Anacortes, to milepost 3.98, near Fidalgo, in Skagit County, WA.

The transaction was scheduled to be consummated on or after the August 20, 1997 effective date of the exemption.

If the verified notice contains false or misleading information, the exemption is void *ab initio.* Petitions to reopen the proceeding to revoke the exemption under 49 U.S.C. 10502(d) may be filed at any time. The filing of a petition to revoke will not automatically stay the transaction.

An original and 10 copies of all pleadings, referring to STB Finance Docket No. 33446, must be filed with the Surface Transportation Board, Office of the Secretary, Case Control Unit, 1925 K Street, N.W., Washington, DC 20423–0001. In addition, a copy of each pleading must be served on Charles H. Montange, 426 NW 162d Street, Seattle, WA 98177.

Decided: August 28, 1997.

By the Board, David M. Konschnik, Director, Office of Proceedings.

Vernon A. Williams,

Secretary.

[FR Doc. 97–23461 Filed 9–4–97; 8:45 am]

BILLING CODE 4915–00–P

[1] City is a political subdivision of the State of Washington.

DEPARTMENT OF TRANSPORTATION

Surface Transportation Board

[STB Finance Docket No. 33450]

Wisconsin & Southern Railroad Co.—Corporate Family Transaction Exemption—Wisconsin and Calumet Railroad Company

Wisconsin & Southern Railroad Co. (WSOR) and Wisconsin and Calumet Railroad Company (WICT),[1] Class III railroads, have jointly filed a verified notice of exemption. The exempt transaction is a merger of WICT into WSOR.

The transaction is expected to be consummated on or about September 1, 1997.

The proposed merger is intended to enhance operating economies, improve service, foster greater operating efficiency, simplify the corporate structure, unify accounting and billing, and improve the financial viability of the surviving corporation.

This is a transaction within a corporate family of the type specifically exempted from prior review and approval under 49 CFR 1180.2(d)(3). The parties state that the transaction

[1] WSOR and WICT are commonly-controlled by William E. Gardner. WSOR operates in the State of Wisconsin, and WICT operates in the States of Wisconsin and Illinois.

will not result in adverse changes in service levels, significant operational changes, or a change in the competitive balance with carriers outside the corporate family.

Under 49 U.S.C. 10502(g), the Board may not use its exemption authority to relieve a rail carrier of its statutory obligation to protect the interests of its employees. Section 11326(c), however, does not provide for labor protection for transactions under sections 11324 and 11325 that involve only Class III rail carriers. Because this transaction involves Class III rail carriers only, the Board, under the statute, may not impose labor protective conditions for this transaction.

If the verified notice contains false or misleading information, the exemption is void *ab initio.* Petitions to reopen the proceeding to revoke the exemption under 49 U.S.C. 10502(d) may be filed at any time. The filing of a petition to reopen will not automatically stay the transaction.

An original and 10 copies of all pleadings, referring to STB Finance Docket No. 33450, must be filed with the Surface Transportation Board, Office of the Secretary, Case Control Unit, 1925 K Street, N.W., Washington, DC 20423–0001. In addition, a copy of each pleading must be served on Robert A. Wimbish, Esq., Rea, Cross & Auchincloss, 1920 N Street, N.W., Suite 420, Washington, DC 20036.

Decided: August 28, 1997.

By the Board, David M. Konschnik, Director, Office of Proceedings.

Vernon A. Williams,

Secretary.

[FR Doc. 97–23459 Filed 9–4–97; 8:45 am]

BILLING CODE 4915–00–P

DEPARTMENT OF THE TREASURY

Submission to OMB for Review; Comment Request

August 26, 1997.

The Department of Treasury has submitted the following public information collection requirement(s) to OMB for review and clearance under the Paperwork Reduction Act of 1995, Public Law 104–13. Copies of the submission(s) may be obtained by calling the Treasury Bureau Clearance Officer listed. Comments regarding this information collection should be addressed to the OMB reviewer listed and to the Treasury Department Clearance Officer, Department of the Treasury, Room 2110, 1425 New York Avenue, NW., Washington, DC 20220.

Internal Revenue Service (IRS)

OMB Number: 1545–0089.

Form Number: IRS Form 1040NR.

Type of Review: Revision.

Title: U.S. Nonresident Alien Income Tax Return.

Description: The form is used by nonresident alien individuals and foreign estates and trusts to report their income subject to tax and compute the correct tax liability. The information on the return is used to determine whether income, deductions, credits, payments, etc., are correctly figured. Affected public are nonresident alien individuals, estates, and trusts.

Respondents: Individuals or households, Business or other for-profit, Farms.

Estimated Number of Respondents/ Recordkeepers: 271,000.

Estimated Burden Hours Per Respondent/Recordkeeper:

Recordkeeping—6 hours, 40 min.

Learning about the law or the form—1 hour, 44 min.

Preparing the form—3 hours, 58 min.

Copying, assembling, and sending the form to the IRS—1 hour, 40 min.

Frequency of Response: Annually.

Estimated Total Reporting/ Recordkeeping Burden: 3,474,575 hours.

Clearance Officer: Garrick Shear (202) 622–3869, Internal Revenue Service, Room 5571, 1111 Constitution Avenue, NW, Washington, DC 20224.

OMB Reviewer: Alexander T. Hunt (202) 395–7860, Office of Management and Budget, Room 10226, New Executive Office Building, Washington, DC 20503.

Lois K. Holland,

Departmental Reports Management Officer.

[FR Doc. 97–23592 Filed 9–4–97; 8:45 am]

BILLING CODE 4830–01–P

DEPARTMENT OF THE TREASURY

Submission to OMB for Review; Comment Request

August 27, 1997.

The Department of Treasury has submitted the following public information collection requirement(s) to OMB for review and clearance under the Paperwork Reduction Act of 1995, Public Law 104–13. Copies of the submission(s) may be obtained by calling the Treasury Bureau Clearance Officer listed. Comments regarding this information collection should be addressed to the OMB reviewer listed and to the Treasury Department Clearance Officer, Department of the Treasury, Room 2110, 1425 New York Avenue, NW., Washington, DC 20220.

Internal Revenue Service (IRS)

OMB Number: 1545–0123.

Form Number: IRS Form 1120, Schedule D, Schedule H, and Schedule PH.

Type of Review: Revision.

Title: U.S. Corporation Income Tax Return 1120); Capital Gains and Losses (Schedule D); Section 280H Limitations for a Personal Service Corporation (PSC) (Schedule H); and U.S. Personal Holding Company (PHC) Tax (Schedule PH).

Description: Form 1120 is used by corporations to compute their taxable income and tax liability. Schedule D (Form 1120) is used by corporations to report gains and losses from the sale of capital assets. Schedule PH (Form 1120) is used by personal holding companies to figure the personal holding company tax under section 541. Schedule H (Form 1120) is used by personal service corporations to determine if they have met the minimum distribution requirements of section 280H. The IRS uses these forms to determine whether corporations have correctly computed their tax liability.

Respondents: Business or other for-profit, Farms.

Estimated Number of Respondents/ Recordkeepers: 2,462,931.

Estimated Burden Hours Per Respondent/Recordkeeper:

Form	Recordkeeping	Learning about the law of the form	Preparing the form	Copying, assembling, and ending the form to the IRS
1120	71 hr., 31 min.	41 hr., 46 min.	71 hr., 2 min.	7 hr., 47 min.
1120-A	43 hr., 3 min.	24 hr., 8 min.	41 hr., 43 min.	4 hr., 34 min.
Schedule D	6 hr., 56 min.	3 hr., 31 min.	5 hr., 39 min.	32 min.
Schedule H	5 hr., 59 min.	35 min.	43 min.	0 min.
Schedule PH	15 hr., 19 min.	6 hr., 12 min.	8 hr., 35 min.	32 min.

Frequency of Response: Annually.

Estimated Total Reporting/ Recordkeeping Burden: 478,936,465 hours.

Clearance Officer: Garrick Shear (202) 622–3869, Internal Revenue Service, Room 5571, 1111 Constitution Avenue, NW, Washington, DC 20224.

OMB Reviewer: Alexander T. Hunt (202) 395–7860, Office of Management and Budget, Room 10226, New Executive Office Building, Washington, DC 20503.

Lois K. Holland

Departmental Reports Management Officer.

[FR Doc. 97–23593 Filed 9–4–97; 8:45 am]

BILLING CODE 4830–01–P

DEPARTMENT OF THE TREASURY

Submission to OMB for Review; Comment Request

August 28, 1997.

The Department of Treasury has submitted the following public information collection requirement(s) to OMB for review and clearance under the Paperwork Reduction Act of 1995, Public Law 104–13. Copies of the submission(s) may be obtained by calling the Treasury Bureau Clearance Officer listed. Comments regarding this information collection should be addressed to the OMB reviewer listed and to the Treasury Department Clearance Officer, Department of the Treasury, Room 2110, 1425 New York Avenue, NW., Washington, DC 20220.

Internal Revenue Service (IRS)

OMB Number: 1545–0074.

Form Number: IRS Form 1040 and Schedules A, B. C. C–EZ, D, D–1, E, EIC, F, H, R, and SE.

Type of Review: Revision.

Title: U.S. Individual Income Tax Return.

Description: These forms are used by individuals to report their income tax liability. The data is used to verify that the items reported on the forms are correct, and also for general statistical use.

Respondents: Individuals or households.

Estimated Number of Respondents/ Recordkeepers: 69,384,249.

Estimated Burden Hours Per Respondent/Recordkeeper:

Form	Recordkeeping	Learning about the law of the form	Preparing the form	Copying, assembling, and sending the form to the IRS
Form 1040	3 hr., 8 min	2 hr., 9 min	3 hr., 33 min	35 min.
Schedule A	2 hr., 32 min	26 min	1 hr., 10 min	27 min.
Schedule B	33 min	8 min	17 min	20 min.
Schedule C	6 hr., 26 min	1 hr., 10 min	2 hr., 6 min	35 min.
Schedule C–EZ	46 min	4 min	32 min	20 min.
Schedule D	58 min	1 hr., 32 min	2 hr., 19 min	59 min.
Schedule D–1	13 min	.1 min	13 min	35 min.
Schedule E	2 hr., 52 min	1 hr., 7 min	1 hr., 16 min	35 min.
Schedule EIC		2 min	4 min	20 min
Schedule F:				
Cash Method	4 hr., 2 min	36 min	1 hr., 14 min	20 min.
Accrual Method	4 hr., 22 min	25 min	1 hr., 19 min	20 min.
Schedule H	46 min	30 min	48 min	35 min.
Schedule R	20 min	15 min	22 min	35 min.
Schedule SE:				
Short	20 min	13 min	11 min	14 min.
Long	26 min	22 min	34 min	20 min.

Frequency of Response: Annually.

Estimated Total Reporting/ Recordkeeping Burden: 1,130,675,765 hours.

Clearance Officer: Garrick Shear (202) 622–3869, Internal Revenue Service, Room 5571, 1111 Constitution Avenue, NW, Washington, DC 20224.

OMB Reviewer: Alexander T. Hunt (202) 395–7860, Office of Management and Budget, Room 10226, New Executive Office Building, Washington, DC 20503.

Lois K. Holland,

Departmental Reports Management Officer.

[FR Doc. 97–23594 Filed 9–4–97; 8:45 am]

BILLING CODE 4830–01–P

DEPARTMENT OF THE TREASURY

Internal Revenue Service

Proposed Collection; Comment Request for Form MTQ/941

AGENCY: Internal Revenue Service (IRS), Treasury.

ACTION: Notice and request for comments.

SUMMARY: The Department of the Treasury, as part of its continuing effort to reduce paperwork and respondent burden, invites the general public and other Federal agencies to take this opportunity to comment on proposed and/or continuing information collections, as required by the Paperwork Reduction Act of 1995, Public Law 104–13 (44 U.S.C. 3506(c)(2)(A)). Currently, the IRS is soliciting comments concerning Form MTQ/941, Montana Quarterly Federal Tax Return/Employer's Quarterly Federal Tax Return.

DATES: Written comments should be received on or before November 4, 1997 to be assured of consideration.

ADDRESSES: Direct all written comments to Garrick R. Shear, Internal Revenue Service, room 5571, 1111 Constitution Avenue NW., Washington, DC 20224.

FOR FURTHER INFORMATION CONTACT: Requests for additional information or copies of the form and instructions should be directed to Carol Savage, (202) 622–3945, Internal Revenue Service, room 5569, 1111 Constitution Avenue NW., Washington, DC 20224.

SUPPLEMENTARY INFORMATION:

Title: Montana Quarterly Tax Return/ Employer's Quarterly Federal Tax Return.

OMB Number: 1545–1554.

Form Number: Form MTQ/941.

Abstract: Form MTQ/941 will be used by employers to report payments made to employees subject to income and social security and Medicare taxes and the amounts of these taxes. The state of Montana and the Simplified Tax and Wage Reporting System (STAWRS) have formed a partnership to explore the potential of combining Montana's quarterly reports for state withholding, Old Fund Liability Tax, and Unemployment Insurance with the Employer's Quarterly Federal Tax Return (Form 941). One form will satisfy both state and federal requirements and will make employer filing faster and easier.

Current Actions: There are no changes being made to the form at this time.

Type of Review: Extension of a currently approved collection.

Affected Public: Individuals or households, business or other for-profit organizations, not-for-profit institutions, and Federal, state, local or tribal government.

Estimated Number of Responses: 600.

Estimated Time Per Response: 12 hr., 32 min.

Estimated Total Annual Burden Hours: 7,518.

The following paragraph applies to all of the collections of information covered by this notice:

An agency may not conduct or sponsor, and a person is not required to respond to, a collection of information unless the collection of information displays a valid OMB control number. Books or records relating to a collection of information must be retained as long as their contents may become material in the administration of any internal revenue law. Generally, tax returns and tax return information are confidential, as required by 26 U.S.C. 6103.

Request for Comments

Comments submitted in response to this notice will be summarized and/or included in the request for OMB approval. All comments will become a matter of public record. Comments are invited on: (a) whether the collection of information is necessary for the proper performance of the functions of the agency, including whether the information shall have practical utility; (b) the accuracy of the agency's estimate of the burden of the collection of information; (c) ways to enhance the quality, utility, and clarity of the information to be collected; (d) ways to minimize the burden of the collection of information on respondents, including through the use of automated collection techniques or other forms of information technology; and (e) estimates of capital or start-up costs and costs of operation, maintenance, and purchase of services to provide information.

Approved: August 29, 1997.

Garrick R. Shear,

IRS Reports Clearance Officer.

[FR Doc. 97–23644 Filed 9–4–97; 8:45 am]

BILLING CODE 4830–01–U

DEPARTMENT OF THE TREASURY

Internal Revenue Service

Proposed Collection; Comment Request for Form 8828

AGENCY: Internal Revenue Service (IRS), Treasury.

ACTION: Notice and request for comments.

SUMMARY: The Department of the Treasury, as part of its continuing effort to reduce paperwork and respondent burden, invites the general public and other Federal agencies to take this opportunity to comment on proposed and/or continuing information collections, as required by the Paperwork Reduction Act of 1995, Public Law 104–13 (44 U.S.C. 3506(c)(2)(A)). Currently, the IRS is soliciting comments concerning Form 8828, Recapture of Federal Mortgage Subsidy.

DATES: Written comments should be received on or before November 4, 1997 to be assured of consideration.

ADDRESSES: Direct all written comments to Garrick R. Shear, Internal Revenue Service, room 5571, 1111 Constitution Avenue NW., Washington, DC 20224.

FOR FURTHER INFORMATION CONTACT: Requests for additional information or copies of the form and instructions should be directed to Martha R. Brinson, (202) 622–3869, Internal Revenue Service, room 5571, 1111 Constitution Avenue NW., Washington, DC 20224.

SUPPLEMENTARY INFORMATION:

Title: Recapture of Federal Mortgage Subsidy.

OMB Number: 1545–1288.

Form Number: 8828.

Abstract: Internal Revenue Code section 143(m) provides for recapture of a portion of the federal subsidy from use of qualified mortgage bonds and mortgage credit certificates in cases where the financing is obtained after 1990 and the home subject to the financing is sold during the first 9 years after financing was obtained. Form 8828 provides the IRS with the information necessary to determine that the recapture tax has been properly computed.

Current Actions: There are no changes being made to the form at this time.

Type of Review: Extension of a currently approved collection.

Affected Public: Individuals or households.

Estimated Number of Respondents: 1,000.

Estimated Time Per Respondent: 1 hr., 49 min.

Estimated Total Annual Burden Hours: 1,818.

The following paragraph applies to all of the collections of information covered by this notice:

An agency may not conduct or sponsor, and a person is not required to respond to, a collection of information unless the collection of information displays a valid OMB control number. Books or records relating to a collection of information must be 3 retained as long as their contents may become material in the administration of any internal revenue law. Generally, tax returns and tax return information are confidential, as required by 26 U.S.C. 6103.

Request for Comments

Comments submitted in response to this notice will be summarized and/or included in the request for OMB approval. All comments will become a matter of public record. Comments are invited on: (a) Whether the collection of information is necessary for the proper performance of the functions of the agency, including whether the information shall have practical utility; (b) the accuracy of the agency's estimate of the burden of the collection of information; (c) ways to enhance the quality, utility, and clarity of the information to be collected; (d) ways to minimize the burden of the collection of information on respondents, including through the use of automated collection techniques or other forms of information technology; and (e) estimates of capital or start-up costs and costs of operation, maintenance, and purchase of services to provide information.

Approved: August 22, 1997.

Garrick R. Shear,

IRS Reports Clearance Officer.

[FR Doc. 97–23647 Filed 9–4–97; 8:45 am]

BILLING CODE 4830–01–U

Friday
September 5, 1997

Part II

Environmental Protection Agency

40 CFR Parts 9 and 86

Test Procedures for Heavy-Duty Engines, and Light-Duty Vehicles and Trucks, and Emission Standard Provisions for Gaseous Fueled Vehicles, and Engines, Amendments; Final Rule

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Parts 9 and 86

[FRL–5881–3]

Direct Final Rule Amending the Test Procedures for Heavy-Duty Engines, and Light-Duty Vehicles and Trucks and the Amending of Emission Standard Provisions for Gaseous Fueled Vehicles and Engines

AGENCY: Environmental Protection Agency (EPA).

ACTION: Direct final rule.

SUMMARY: This action promulgates amendments to several sections of the heavy-duty engine test procedure regulations in 40 CFR part 86. These changes are needed in order to accommodate the use of new testing equipment, to provide greater flexibility in the type of testing equipment used and to ensure uniform calibration and use of the testing equipment. The amendments will ensure the continued validity of testing results and ensure that heavy-duty engines are being exercised appropriately over the test procedures. This action also makes limited changes to the light-duty vehicle and truck test procedure regulations and the gaseous fuel emission standards in 40 CFR part 86. Because changes are limited to technical issues, all of which have been coordinated with industry, EPA expects no adverse comments.

DATES: This rule will be effective January 5, 1998 unless notice is received by October 6, 1997 that adverse or critical comments will be submitted on a specific element of this rule. If such comments are received, then EPA will publish a subsequent document in the **Federal Register** withdrawing any regulation for which adverse or critical comments were made.

The incorporation by reference of certain publications listed in the regulations is approved by the Director of the **Federal Register** as of January 5, 1998.

ADDRESSES: Interested parties may submit written comments in response to this notice (in duplicate, if possible) to Public Docket A–96–07 at Air Docket Section, U.S. Environmental Protection Agency, First Floor, Waterside Mall, Room M–1500, 401 M Street SW, Washington DC 20460. A copy of the comments should also be sent to the contact person listed below.

FOR FURTHER INFORMATION CONTACT: Mr. Jaime Pagán, U.S. Environmental Protection Agency, Engine Programs and Compliance Division, 2565 Plymouth Rd., Ann Arbor, MI 48105. Telephone: (313) 668–4574, fax: (313) 741–7816.

SUPPLEMENTARY INFORMATION:

Table of Contents

I. Introduction

EPA's Smoke Exhaust and Gaseous and Particulate Exhaust Test Procedures for certification and Selective Enforcement Audit (SEA) provide a consistent method for testing and obtaining emissions data from heavy-duty engines. This action promulgates amendments to the test procedures in order to accommodate the use of new testing equipment and clarify certain issues that have been identified since these procedures were first published.

Over the last few years, EPA and the Engine Manufacturers Association (EMA) have worked together to identify the issues that needed revision or clarification. During these interactions, suggestions were made involving specific changes to the test procedures. In general, the technical amendments included in this action fall into two categories. First, many of the amendments are simply clarifications that will help remove any potential ambiguities or inconsistencies. Second, another group of amendments take into account testing equipment and/or engine technology that was not as widely used when the rule was first written.

The changes to the Smoke Exhaust Test Procedure include clarifications regarding the operation of the dynamometer, accommodation of additional test equipment and more details on meter light sources to be used. The test procedures for SEA contain a new requirement that asks manufacturers to decide, before the initial cold cycle, whether they will measure background particulate matter (PM) or not. Promulgated amendments to the Gaseous and Particulate Test Procedures cover the calibration requirements of gas analyzers, the use of accessory loads, conditions for use of charge air cooling devices and the permitted point deletions from regression analysis.

Lastly, three minor changes to the Gaseous Fueled Vehicle Rule, established in a September 21, 1994 notice (59 FR 48472), are made. The regulatory text of that rule contained several minor errors and areas where the applicability of various standards to gaseous-fueled vehicles was not clear in the regulations, although all of the applicability issues were discussed in the preamble. The following section presents a more detailed overview of the specific amendments that EPA is promulgating in this action.

II. List of Changes to Test Procedures

1. Changes and clarifications regarding dynamometer control throughout the operation cycle for smoke emission tests (§ 86.884–7(a) and § 86.884–13(b)(6)). These changes respond to the need to better define the acceleration mode in the smoke test cycle. The amendments to the regulatory language make the speed and acceleration requirements more specific. In addition, it is clarified that during the last 10 seconds of the lugging mode the average engine speed and the average observed power shall be maintained within their specified values. Furthermore, the regulations are revised to state that within five seconds of the completion of the lugging mode, the dynamometer and engine controls shall be returned to idle position. These specifications are needed to ensure uniformity in how the procedures are followed.

2. Allow the use of newer in-line smokemeters and accommodate multistack engines to the smoke exhaust test procedure (§ 86.884–8(c) and § 86.884–14). In-line smokemeters, which were not available when the original rule was written, are now taken into account in the test procedure. The purpose of this addition is to provide engine manufacturers the flexibility of using this type of equipment. The use of in-line smokemeters is acceptable since it does not affect test results. Also, specifications for the distance between the smokemeter and the exhaust manifold, turbocharger outlet, aftertreatment device or crossover junction (whichever is farthest downstream), are now included in the regulations. Such distance specifications are needed to ensure a uniform procedure and repeatable test results.

3. Clarify the specifications for the type of light sources to be used during smoke testing (§ 86.884–9 (b)(2) and (c)). These clarifications specify the color temperature range and spectral peak for

smokemeter light sources. It is also specified that light detectors shall be a photocell or a photodiode. In addition, it is now specified that the distance from the optical centerline of the smokemeter to the exhaust pipe outlet is 1±0.25 inches. The new language adds specificity by providing specific ranges for these parameters and adds flexibility by allowing the use of more current smokemeter technology.

4. Semantic clarification for the smoke test: Curb Idle rpm versus Idle rpm (§ 86.884–7(a)(4) and § 86.884–10(a)(8)). The word ''Curb'' was eliminated from the term ''Curb Idle rpm'' in the smoke test procedure. When running a smoke test on an engine with Curb Idle Transmission Torque (CITT), it is very difficult to maintain the desired idle speed without having to adjust the controls. The change in the regulatory language simply allows to operate the engine at free idle speed and does not affect test results.

5. New calculations are provided to support the use of in-line smokemeters (§ 86.884–14(a)). EPA provides an equation to determine the standard half-second percent opacity, if the opacity is being measured using a smokemeter with a different optical path length than the one specified in § 86.884–8. This calculation will help support the use of current in-line smokemeters.

6. Selective Enforcement Auditing Test Procedures: Require that manufacturers decide, before the start of the cold cycle, whether they will measure background particulate matter (PM). The test shall be voided if the manufacturer fails to measure background PM after initially saying it would (§ 86.1008–90(a), § 86.1008–96(a), § 86.1008–2001(a) and § 86.1111–87(a)). The CFR (§ 86.1310(b)(1)(iv)(C)) states that the primary dilution air may be sampled to determine background PM levels. Since this measurement is not required, a valid test may be run without sampling for background particulate. Background particulate can make a significant contribution to the total particulate collected on the sample filter, especially at emission levels of 0.10 g/bhp-hr and below. As a result, most manufacturers choose to measure background particulate.

During Selective Enforcement Audit (SEA) testing, manufacturers will occasionally have problems measuring background particulate. Improper handling of the background filters is the usual cause of these problems. Manufacturers typically want to weigh the sample filters before deciding whether or not to void the test. If the engine passes based on the sample filter weights, the manufacturer will not void the test since including background emissions will only lower an already passing particulate value. However, if the engine fails based solely on the sample filter weights, the manufacturer will want to void the test since the engine may pass if background correction is included.

Although it is certain that an engine that passes without background correction will pass with background correction, it is uncertain if an unmeasured background correction will lower the particulate level of a failing engine enough to pass. An engine with failing sample filter weights may pass when retested solely as the result of test-to-test variability, lowering its emission level.

Therefore EPA will now require that manufacturers decide, before the start of the cold cycle, whether they will measure background PM. The test shall be voided if the manufacturer fails to measure background PM after initially saying it would.

7. Clarify the procedure for sampling background particulate (§ 86.1310–90(b)(1)(iv)(C)). The new language adds specificity to the exhaust gas sampling method by stipulating that the primary dilution air shall be sampled at the inlet to the primary dilution tunnel, if unfiltered, or downstream of any primary dilution air conditioning devices that are used.

8. Clarify the hydrocarbon (HC) probe location and line temperature requirements and introduce a new approach for demonstrating the temperature profile of heated lines (§ 86.1310–90(b)(3)). This clarification will provide more uniformity to the test procedures by requiring specific probe locations and line temperature requirements. The revisions to the regulations require that the temperature requirements of the hydrocarbon (HC) sample line shall be met over its entire length and not just at the measurement points. Since the gas temperature can not instantly be brought up to the required temperature, the length of the sample probe is defined as the length at which the gas temperature must meet specifications.

9. Require that all particulate matter (PM) filters (sample, reference and background) are to be handled in pairs during all weighing (§ 86.1310–90(b)(7), § 86.1312–88(a) (3) & (4), and § 86.1337). This measure will help reduce error and ensure the uniform use of all filter samples. More accurate measurements can be obtained by weighing the filters in pairs.

10. Recommend that PM filter loading be maximized consistent with other temperature requirements and the requirement to avoid moisture condensation (§ 86.1310–90(b)(7)(iv)). The new language will ensure that PM measurements are accurate by having a filter loading that is consistent with temperature and moisture requirements. Furthermore, EPA recommends that the filter pair loading be proportional to the engine's emission level. For example, a filter pair loading of 1 mg is typically proportional to a 0.1 g/bhp-hr PM emission level. This change eliminates the previous 5.3 milligram filter loading requirement which is too difficult to achieve with today's low PM emitting engines.

11. Apply the same proportional sampling requirement to the Critical Flow Venturi (CFV–CVS) and the Positive Displacement Pump-Constant Volume Sampler (PDP–CVS) systems (§ 86.1310–90(b)(6), § 86.1337–90(a)(10), § 86.1337–96(a)(10)). This new language consolidates the requirement for demonstrating, during diesel particulate testing, sample flow proportionality for both the single-dilution and double-dilution methods. Prior to the change, PDP–CVS systems were only required to demonstrate that flow through the particulate transfer tube was constant, plus or minus five percent. The CFV–CVS was required to demonstrate that the ratio of main tunnel flow to particulate sample flow did not change by more than plus or minus five percent. The requirements for the two CVS systems are the same assuming that flow through the PDP–CVS does not vary. Since this assumption is not always true, the proportionality requirements for the PDP–CVS and the CFV–CVS are not equivalent. To correct this, laboratories with a PDP–CVS sampling system are required to meet the same requirements as the CFV–CVS system, which is to demonstrate that the ratio of main tunnel flow to particulate sample flow did not change by more than plus or minus five percent.

12. Clarify the ambient condition requirements for the filter weighing room (§ 86.1312–88(a) (1) & (2)). This new language helps resolve some inconsistencies between the light-and heavy-duty test procedures. The new humidity requirement states that the room shall be maintained at a dew point temperature of 282.5K ±3K (9.4°C ±3°C) and a relative humidity of 45% ±8%. The ambient temperature requirement in the room is revised to 295K ±3K (22°C ±3°C) during all filter conditioning and weighing.

13. Allow a change in weight on the reference filters, between weighings, by an absolute number rather than a percentage of the nominal filter loading

(§ 86.1312–88(a)(4)). Sample and background filter pairs that are in the process of stabilization shall be discarded if the average weight of the reference filter pair changes by more than 40 micrograms. This change simplifies the old requirement where a ±5 percent change from the nominal filter loading was allowed. EPA considers that it is better practice to have a filter weight variation requirement that does not vary with the nominal filter loading since a specific loading is not required, but is only recommended.

14. Change in the conditioning room timing requirement (§ 86.1312–88(a)(5)). If any of the environmental conditions in the conditioning room, as specified in the test procedures, are not met, then it is required that the filters remain in the conditioning room for at least one hour after correct conditions are met prior to weighing. This amendment eliminates a previously unnecessary timing requirement and adds a new option for manufacturers that gives them greater flexibility in following the test procedures.

15. Specify a new ASTM procedure for measuring aromatic composition in diesel fuel (§ 86.1313–91, § 86.1313–94, § 86.1313–98). The amendment allows, for heavy-duty diesel engines of model years 1987 thru 1997, the use of ASTM procedure D5186–91 for measuring aromatic composition. For model years 1998 and later, ASTM D5186–91 will be the required procedure for measuring aromatic composition.

16. For diesel fuel testing only, change the requirement of calibrating the CO analyzer to bi-monthly or immediately after maintenance (§ 86.1316–90). This amendment loosens the monthly calibration requirement due to the typically low levels of CO, relative to the standard, produced by heavy-duty diesel engines.

17. Change a requirement to generate new calibration curves each month (§ 86.1316–90, § 86.1316–94). This amendment adds flexibility to the test procedure by allowing the manufacturer not to generate a new calibration curve for an analyzer if they have demonstrated that it has not significantly varied from its last calibration. This change does not affect the accuracy of the analyzers, but simplifies the calibration process.

18. Clarify the method for issuing speed and torque command setpoints throughout the test cycle (§ 86.1327–90(b), § 86.1327–94(b), § 86.1327–96(b)). The frequency for issuing the command setpoints for engine torque and speed were not specified in the original rule. It is now clarified that the torque and speed command setpoints shall be issued at 5 Hz or greater.

19. Clarify the exhaust system and insulation requirements for diesel engines equipped with catalysts (§ 86.1327–90(f), § 86.1327–94(f), § 86.1327–96(f)). These amendments respond to the need to account for exhaust aftertreatment technology, which is seeing a wider use in current heavy-duty engines. The language being added to the regulations specifies that the exhaust pipe diameter shall be the same as that found in-use. In addition, it is specified that for gasoline and diesel engines, the catalyst container may be removed during all test sequences prior to the practice cycle, and replaced with an equivalent container having an inactive catalyst support. The reason for allowing such option to manufacturers is that the catalyst may be consumed by the high exhaust temperatures experienced during testing. Finally, it is also specified that the distance from the exhaust manifold flange or turbocharger outlet to any exhaust aftertreatment device shall be the same as the vehicle configuration or within the distance specifications that the engine manufacturers provide for the installation of such devices.

20. Clarify that loading from accessories is considered parasitic in nature and that their work shall not be included in the emission calculations (§ 86.1327–98, § 86.1341–98(b)(3)). The accessory loading is considered parasitic because it is not providing any ''useful work''. ''Useful work'' is the work that the application (that uses the engine in question) does when commanded by an operator. The amendment clarifies that accessories such as oil coolers, alternators, air compressors, etc., if used, shall be applied to all engine testing operations. Their work, however, shall not be included in the integrated work used in emission calculations. This clarification adds consistency between emission test results from different engines, which do not necessarily operate with the same accessories.

21. Require the following of SAE Recommended Practice J1937 for simulating the use of a charge air cooling device while running the FTP in a dynamometer test cell (§ 86.1330–84(b)(5), § 86.1330–90(b)(5)). The following of this procedure will help ensure the uniform use of such devices, which were not of common use when the original rule was written.

22. Define new intake and exhaust restriction setting requirements for diesel fueled heavy-duty engines (§ 86.1330–84(f) and § 86.1330–90(f)). This new language replaces earlier language that required the manufacturers to demonstrate some average restrictions that their engines would typically experience in-use. The old requirements were very difficult to meet. The new requirement for the air inlet specifies a restriction setting which is midway between a clean filter and the maximum restriction specified by the manufacturer. In addition, the new requirement for exhaust restriction is 80 percent of the manufacturer's recommended maximum specified exhaust restriction. Furthermore, EPA still holds the manufacturer accountable for the entire range of restrictions that the engine might experience in-use.

23. Correct the temperature requirement of the CVS dilution air (§ 86.1330–84(b), § 86.1330–90(b)). The language added makes the dilution air temperature requirement consistent with § 86.1310–90, which is 68°F (20°C) for Otto cycle engines and between 68°F and 86°F (20°C and 30°C) for diesel cycle engines.

24. Change the required torque command set-points in the FTP that utilize the provisions related to Curb Idle Torque (CITT) (§ 86.1333–90). The manufacturer is allowed to modify all torque command set-points to CITT when the speed command set-point is equal to or less than zero percent and the ''initial'' torque command set-point is less than CITT. This language corrects a problem where, in certain cases, a low torque command resulted in a real torque command less than CITT, which is an operating condition that these engines do not typically encounter in-use.

25. Clarify the idle torque requirements for cycle validation (§ 86.1333–90). The existing language for idle torque requirements is clarified to make it more understandable.

26. Apply a single set of requirements to both forced and natural cool downs which precede the cold start exhaust emissions test (§ 86.1334–84 and § 86.1335–90). This change defines a cold engine as one with oil and water temperatures between 68 and 86°F. This is a change from the existing natural cool down requirements which call for only oil temperature to be stabilized between 68 and 86 °F. The temperature requirements for forced cool down are now the same as for natural cool down, thus providing one definition for a cold engine regardless of the cool down procedure.

27. Correct an oversight regarding the first FTP idle definition (§ 86.1337–90 and § 86.1337–96). This amendment adds language to § 86.1337–90 and § 86.1337–96 that was inadvertently lost

from § 86.1337–88. It also corrects a paragraph reference in the same sections and eliminates specifications for particulate testing without the use of flow compensation because these specifications are no longer needed since the same particulate sampling requirements now apply for systems with and without flow compensation.

28. Clarify the procedure for calibrating gaseous emission analyzers (§ 86.1321–90, § 86.1321–94, § 86.1322–84, § 86.1323–84, § 86.1324–84 and § 86.1325–94, § 86.1338–84). The data points requirements for calibrating analyzers below 15 percent of full scale are specified in order to ensure an accurate curve. The previous calibration procedure was defined by the type of gas divider used for the calibration. Not all gas dividers were covered by the previous procedure and no procedure was provided for a laboratory which uses gas bottles. Changes to the procedure now allow the generation of calibration data with six points that are approximately equally spaced. Finally, analyzer response over 100% of full scale may be used if it can be shown that readings in this range are accurate. These changes give more flexibility without affecting the accuracy of the calibrations.

29. Require that particulate sample filters be placed in unsealed petri dishes during conditioning after the emissions test (§ 86.1339–90). This language will help ensure that particulate filters will be handled consistently in all laboratories and makes it consistent with the pre-conditioning requirements. The unsealed petri dish requirement is needed in order to have a uniform method for handling PM filters that also eliminates the possibility of filter contamination.

30. Eliminate the 80 hour maximum for pre-conditioning PM filters (§ 86.1339–90). This change simplifies the filter pre-conditioning procedure by eliminating the 80 hour maximum time requirement. It was found that only the minimum 1 hour requirement was of meaningful value for filter pre-conditioning.

31. Clarify the permitted point deletions from regression analysis for validation statistics (§ 86.1341–90, § 86.1341–98 and Appendix I, paragraph (f)(2)). A table that describes the permitted point deletions from regression analysis is simplified by removing some language and adding three sentences. The changes will make the table easier to understand and do not affect test results.

32. Correct an oversight regarding the calculation of cycle work (§ 1341–90). This clarification adds language to § 86.1341–90 that was inadvertently not included from § 86.1341–84.

33. Clarify that no useful work is generated from spurious non-zero/CITT torques that occur during idle (§ 86.1341–98(b) (3) & (4)). For manual transmissions, all spurious non-zero torques at reference idle portions of the cycle shall be set equal to zero and included in the horsepower-hour calculation used for emission determinations. For automatic transmissions, all spurious non-CITT torques at reference idle portions of the cycle shall be included in the horsepower-hour calculation used in the emission determination.

34. Clarify the calculations for converting emission measurements from as-measured dry concentrations to wet concentrations (§ 86.1342–90, § 86.1342–94). An equation used to convert as-measured dry concentrations to wet concentrations is amended in order to correct an error in its derivation.

35. Correct an error that occurred from § 86.1342–84 to § 86.1342–90 when some guidelines for converting dry measurements to wet concentrations became subordinate to a section describing the calculation of brake-specific fuel consumption (§ 86.1342–90, § 86.1342–94).

36. Clarify what calculations should be used for determining the emission of particulate matter depending on what type of CVS sampling system is used (§ 86.1343–88). The original language did not distinguish between critical flow venturi (CFV) CVS and positive displacement pump (PDP) CVS, which require different calculations for determining the mass of particulate matter. The new language now provides distinct calculations for both systems for emission calculation purposes.

37. Add provisions for testing heavy-duty engines and light-duty vehicles that require the manufacturer to verify that the venturi is achieving sonic flow when using a CFV–CVS sampling system (§ 86.119–90, § 86.1319–84 and § 86.1319–90). Having sonic flow during emission tests, when using a CFV–CVS sampling system, is of critical importance in order to achieve accurate and reliable emission results. Manufacturers have two options for verifying sonic flow. The first option involves calculating CFV pressure ratio, which must be less than or equal to the calibration pressure ratio limit derived from the CFV calibration data. Other sonic flow verification methods may be allowed with prior approval from the Administrator.

38. Revise Incorporation by Reference (§ 86.1). Section 86.1 contains a listing of all items in part 86 which are incorporated by reference, along with the section numbers where they are incorporated. The SAE Recommended Practice J1937 and the standard test method ASTM 5186–91 are added to such list. In addition, several minor corrections to section 86.1 are made. In the Gaseous Fuels Rule the changes to section 86.1 to incorporate the standards ASTM D2163–91 and ASTM D1945–91 were in some cases incorrect and did not properly list the part 86 sections in which these standards were incorporated.

39. Correct Certification Specifications for Diesel Fuel for Light-Duty Vehicles and Trucks (§ 86.113–94). In the Gaseous Fuels Rule (59 FR 48472) the section specifying certification fuel parameters for light-duty vehicles and trucks (§ 86.113–94) was modified to include natural gas and liquefied petroleum gas specifications. In addition to new gaseous fuels specifications, this section was restructured to make future additions of other fuels easier. Although these were the only intended changes, some changes were inadvertently made to the specifications for diesel fuel as well. Thus, in this notice such section is being revised to correct for these inadvertent changes to the diesel fuel specifications. Corrections involve the cetane number and cetane index in paragraph (b)(2), and the cetane index, 90 percent distillation point and gravity in paragraph (b)(3). These changes will bring the diesel fuel certification specifications back to their original state, prior to the publication of the Gaseous Fuels Rule.

40. Clarify Gaseous Fuel Standards Applicability (§ 86.094–8, § 86.094–9, § 86.094–11, § 86.096–8 and § 86.096–11). In the Gaseous Fuels Rule there were several instances where the regulatory text did not mirror the preamble discussion concerning the applicability of various standards to gaseous-fueled vehicles, especially as they relate to the options on the applicability of the standards prior to the 1997 model year. EPA is revising the regulatory text to clarify the provisions of the Gaseous Fuels Rule regulations. The clarifications are summarized briefly in the following sentences. In sections 86.094–8, 86.094–9, 86.096–8 and 86.096–11, the language concerning the crankcase emissions prohibition is being clarified to show that it is optional for the 1994 through 1996 model years and also optional for 1997 model year turbocharged gaseous fueled heavy-duty engines. In sections 86.094–9 and 86.096–11 the language concerning exhaust emission standards is being

clarified to show that those standards are optional for gaseous-fueled vehicles through the 1996 model year. In section 86.094–9 the language concerning idle carbon monoxide (CO) emission standards is being clarified to show that those standards are applicable to gaseous-fueled engines, but optional through the 1996 model year. Finally, the section 86.094–11 language concerning smoke standards is being clarified to show that those standards are applicable to gaseous-fueled vehicles, but optional through the 1996 model year.

41. Clarify Exhaust Emission Calculations § 86.144–94). In section 86.144–94, the density of nonmethane hydrocarbons in natural gas and liquefied petroleum gas is used for emission calculations. The description of this term incorrectly specifies that it be defined simply as the density of hydrocarbon components in the fuel. This definition does not exclude methane, as it should. The definition is being corrected here to refer to the density of only the nonmethane components.

42. Clarify Changes to the Flame Ionization Detector (FID) optimization (§ 86.1321–90 and § 86.1321–94). More language is incorporated to resolve some previous inconsistencies with the procedure. For instance, the FID response now can be optimized with respect to fuel flow or to fuel pressure. Furthermore, it is also clarified that the optimum fuel, air, and sample pressures or flow rates shall be recorded after their determination.

III. Environmental and Economic Impacts

EPA believes that these technical amendments will not have any significant economic or environmental impacts. The changes have the objective to clarify inconsistencies that might have been present in the original rule or to allow the use of new testing equipment that gives more flexibility, but does not affect test results.

IV. Public Participation

EPA believes that the provisions of this action are noncontroversial since all the changes to the test procedures have been previously discussed and resolved with the Engine Manufacturers Association (EMA) and its members. Nonetheless, if public comments are to be submitted, the Agency requests that wherever applicable, full supporting data and detailed analysis should be submitted to allow EPA to make maximum use of the comments. Commentators should provide specific suggestions for any changes to any aspect of the regulations that they believe need to be modified or improved. If EPA receives adverse or critical comments regarding any specific element of this rule, EPA will withdraw those regulations for which adverse or critical comments were received. All comments should be directed to EPA Air Docket, Docket No. A–96–07. The official comment period will last for 30 days following publication of this notice.

Commentators desiring to submit proprietary information for consideration should clearly distinguish such information from other comments to the greatest extent possible, and clearly label it ''Confidential Business Information''. Submissions containing such proprietary information should be sent directly to the contact person listed above, and not to the public docket, to ensure that proprietary information is not inadvertently placed in the docket.

Information covered by such a claim of confidentiality will be disclosed by EPA only to the extent allowed and by the procedures set forth in 40 CFR part 2. If no claim of confidentiality accompanies the submission when it is received by EPA, it may be made available to the public without further notice to the commentator.

V. Statutory Authority

The statutory authority for this action is granted by Sections 202, 206, 207, 208 and 301(a) of the Clean Air Act.

VI. Administrative Designation and Regulatory Analysis

Under Executive Order 12866 (58 FR 51735 (October 4, 1993)), the Agency must determine whether this regulatory action is ''significant and therefore subject to Office of Management and Budget (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, EPA believes that this action is not a ''significant'' regulatory action within the meaning of the Executive Order.

VII. Compliance With Regulatory Flexibility Act

EPA has determined that it is not necessary to prepare a regulatory flexibility analysis in connection with this final rule. In support of its proposed rule entitled *Control of Emissions of Air Pollution from Highway Heavy-Duty Engines* (61 FR 33421, June 27, 1996), EPA characterized the heavy-duty engine manufacturing industry in Chapter 3 of its Regulatory Impact Analysis (RIA). Based on that characterization, EPA has determined that these technical amendments will not have a significant impact on a substantial number of small entities.

VIII. Unfunded Mandates

Under section 202 of the Unfunded Mandates Reform Act of 1995 (''Unfunded Mandates Act''), signed into law on March 22, 1995, EPA must prepare a written statement to accompany any rule where the estimated costs to State, local, or tribal governments, or to the private sector will be $100 million or more in any one year. Under section 205, EPA must select the most cost-effective and least burdensome alternative that achieves the objective of the rule and that is consistent with statutory requirements. Section 203 requires EPA to establish a plan for informing and advising any small governments that may be significantly and uniquely impacted by the rule. EPA estimates that the costs to State, local, or tribal governments, or the private sector, from this rule will be less than $100 million.

IX. Paperwork Reduction Act

The technical amendments promulgated by this action do not create or change the information collection burden under the provisions of the Paperwork Reduction Act, 44 U.S.C. 3501 et. seq. The Office of Management and Budget (OMB) has previously approved the information collection requirements already contained in all the Part 86 sections amended by this action and has assigned OMB control numbers 2060–0104 and 2060–0064.

X. Submission to Congress and the General Accounting Office

Under 5 U.S.C. 801(a)(1)(A) as added by the Small Business Regulatory Enforcement Fairness Act of 1996, EPA

submitted a report containing this rule and other required information to the U.S. Senate, the U.S. House of Representatives and the Comptroller General of the General Accounting Office prior to publication of this rule in today's **Federal Register**. This rule is not a ''major rule'' as defined by 5 U.S.C. 804(2).

XI. Copies of Rulemaking Documents

The preamble and regulatory language are available in the public docket as described under **ADDRESSES** above and is also available electronically on the Technology Transfer Network (TTN), which is an electronic bulletin board system (BBS) operated by EPA's Office of Air Quality Planning and Standards and via the Internet. The service is free of charge, except for the cost of the phone call.

A. Technology Transfer Network (TTN)

Users are able to access and download TTN files on their first call using a personal computer and modem per the following information.

TTN BBS: 919–541–5742 (1200–14400 bps, no parity, 8 data bits, 1 stop bit)
Voice Helpline: 919–541–5384
Also accessible via Internet: TELNET ttnbbs.rtpnc.epa.gov
Off-line: Mondays from 8:00 AM to 12:00 Noon ET

A user who has not called TTN previously will first be required to answer some basic informational questions for registration purposes. After completing the registration process, proceed through the following menu choices from the Top Menu to access information on this rulemaking.

<T> GATEWAY TO TTN TECHNICAL AREAS (Bulletin Boards)
<M> OMS—Mobile Sources Information
<K> Rulemaking & Reporting
<5> Heavy-duty/Diesel
<1> File area #1 . . . Heavy-duty Truck and Bus Standards

At this point, the system will list all available files in the chosen category in reverse chronological order with brief descriptions. To download a file, select a transfer protocol that is supported by the terminal software on your own computer, then set your own software to receive the file using that same protocol.

If unfamiliar with handling compressed (i.e. ZIP'ed) files, go to the TTN top menu, System Utilities (Command: 1) for information and the necessary program to download in order to unZIP the files of interest after downloading to your computer. After getting the files you want onto your computer, you can quit the TTN BBS with the <G>oodbye command.

Please note that due to differences between the software used to develop the document and the software into which the document may be downloaded, changes in format, page length, etc. may occur.

B. Internet

Rulemaking documents may be found on the Internet as follows:

World Wide Web: http://www.epa.gov/omswww
FTP: ftp://ftp.epa.gov Then CD to the /pub/gopher/OMS/ directory
Gopher: gopher://gopher.epa.gov:70/11/Offices/Air/OMS

Alternatively, go to the main EPA gopher, and follow the menus:

gopher.epa.gov
EPA Offices and Regions
Office of Air and Radiation
Office of Mobile Sources

List of Subjects

40 CFR Part 9

Reporting and recordkeeping requirements.

40 CFR Part 86

Environmental protection, Administrative practice and procedures, Air pollution control, Confidential business information, Gasoline, Incorporation by reference, Labeling, Motor vehicles, Motor vehicle pollution, Reporting and recordkeeping requirements.

Dated: August 18, 1997.

Carol M Browner,

Administrator.

For the reasons set forth in the preamble, parts 9 and 86 of title 40 of chapter I of the Code of Federal Regulations are amended as follows:

PART 9—[AMENDED]

1. The authority citation for part 9 continues to read as follows:

Authority: 7 U.S.C. 135 *et seq.*, 136–136y; 15 U.S.C. 2001, 2003, 2005, 2006, 2601–2671; 21 U.S.C. 331j, 346a, 348; 31 U.S.C. 9701; 33 U.S.C. 1251 *et seq.*, 1311, 1313d, 1314, 1321, 1326, 1330, 1344, 1345 (d) and (e), 1361; E.O. 11735, 38 FR 21243, 3 CFR 1971–1975 Comp. p. 973; 42 U.S.C. 241, 242b, 243, 246, 300f, 300g, 300g-1, 300g-2, 300g-3, 300g-4, 300g-5, 300g-6, 300j-1, 300j-2, 300j-3, 300j-4, 300j-9, 1857 *et seq.*, 6901–6992k, 7401–7671q, 7542, 9601–9657, 11023, 11048.

1a. Section 9.1 is amended in the table by adding in numerical order new entries under the center heading ''Control of Air Pollution from New and In-Use Motor Vehicles and New and In-Use Motor Vehicle Engines: Certification and Test Procedures,'' to read as follows:

§ 9.1 OMB approvals under the Paperwork Reduction Act.

* * * * *

40 CFR citation	OMB control no.
* * * * *	
Control of Air Pollution From New and In-Use Motor Vehicles and New and In-Use Motor Vehicle Engines: Certification and Test Procedures	
* * * * *	
86.1313–98	2060–0104
* * * * *	
86.1327–98	2060–0104
* * * * *	
86.1341–98	2060–0104
* * * * *	

PART 86—CONTROL OF AIR POLLUTION FROM NEW AND IN-USE MOTOR VEHICLES AND NEW AND IN-USE MOTOR VEHICLE ENGINES: CERTIFICATION AND TEST PROCEDURES

1b. The authority citation for part 86 is revised to read as follows:

Authority: 42 U.S.C. 7401–7671q.

2. In § 86.1 the tables in paragraphs (b)(1) and (b)(2) are amended by adding an entry for ASTM D5186–91 after ASTM E29–90, and by revising the entries for ASTM D2163–91 and ASTM D1945–91 to read as follows:

§ 86.1 Reference materials.

* * * * *

(b) * * *

(1) * * *

Document number and name	40 CFR part 86 reference
* * * * *	
ASTM D5186–91, Standard Test Method for Determination of Aromatic Content of Diesel Fuels by Supercritical Fluid Chromatography.	86.1313–91, 86.1313–94, 86.1313–98.
ASTM D2163–91, Standard Test Method for Analysis of Liquefied Petroleum (LP) Gases and Propane Concentrates by Gas Chromatography.	86.113–94; 86.1213–94; 86.1313–94.

Document number and name	40 CFR part 86 reference
ASTM D1945–91, Standard Test Method for Analysis of Natural Gas By Gas Chromatography.	86.113–94; 86.513–94; 86.1213–94; 86.1313–94.
(2) * * *	

Document No. and name	40 CFR part 86 reference
* * * * *	
SAE Recommended Practice J1937, November 1989, Engine Testing with Low Temperature Charge Air Cooler Systems in a Dynamometer Test Cell.	86.1330–84; 86.1330–90.

* * * * *

3. Section 86.094–8 of subpart A is amended by revising paragraph (c) to read as follows:

§ 86.094–8 Emission standards for 1994 and later model year light-duty vehicles.

* * * * *

(c) No crankcase emissions shall be discharged into the ambient atmosphere from any 1994 and later model year Otto-cycle, or methanol-or gaseous-fueled diesel light-duty vehicle. This requirement is optional for 1994 through 1996 model year gaseous-fueled light-duty vehicles.

* * * * *

4. Section 86.094–9 of subpart A is amended by revising paragraphs (a)(1)(i) introductory text, (a)(1)(ii) introductory text, (a)(1)(iii) and (c), to read as follows:

§ 86.094–9 Emission standards for 1994 and later model year light-duty trucks.

(a) * * *

(1) * * *

(i) *Light light-duty trucks.* Exhaust emission from 1994 and later model year light light-duty trucks shall meet all standards in Tables A94–8, A94–9, A94–11 and A94–12 in the rows designated with the applicable fuel type and loaded vehicle weight, according to the implementation schedule in Tables A94–7 and A94–10 as follows (optional for 1994 through 1996 model year gaseous-fueled light light-duty trucks):

* * * * *

(ii) *Heavy light-duty trucks.* Exhaust emissions from 1994 and later model year heavy light-duty trucks shall meet all standards in Tables A94–14 and A94–15 in the rows designated with the applicable fuel type and loaded vehicle weight or adjusted loaded vehicle weight, as applicable, according to the implementation schedule in Table A94–13, as follows (optional for 1994 through 1996 model year gaseous-fueled heavy light-duty trucks):

* * * * *

(iii) Exhaust emissions of carbon monoxide from 1994 and later model year light-duty trucks shall not exceed 0.50 percent of exhaust gas flow at curb idle at a useful life of 11 years or 120,000 miles, whichever first occurs (for Otto-cycle, and methanol-and gaseous-fueled diesel light-duty trucks only—optional for 1994 through 1996 model year gaseous-fueled light-duty trucks).

* * * * *

(c) No crankcase emissions shall be discharged into the ambient atmosphere from any 1994 and later model year light-duty truck. This requirement is optional for 1994 through 1996 model year gaseous-fueled light-duty trucks.

* * * * *

5. Section 86.094–11 of subpart A is amended by revising paragraph (b)(1) introductory text to read as follows:

§ 86.094–11 Emission standards for 1994 and later model year diesel heavy-duty engines and vehicles.

* * * * *

(b)(1) The opacity of smoke from new 1994 and later model year diesel heavy-duty engines shall not exceed (optional for 1994 through 1996 model year gaseous-fueled diesel heavy-duty engines):

* * * * *

6. Section 86.096–8 of subpart A is amended by revising paragraph (c) to read as follows:

§ 86.096–8 Emission standards for 1996 and later model year light-duty vehicles.

* * * * *

(c) No crankcase emissions shall be discharged into the ambient atmosphere from any 1996 and later model year Otto-cycle, or methanol-or gaseous-fueled diesel light-duty vehicle. This requirement is optional for 1996 model year gaseous-fueled light-duty vehicles.

* * * * *

7. Section 86.096–11 of subpart A is amended by revising paragraphs (a) introductory text and (c) to read as follows:

§ 86.096–11 Emission standards for 1996 and later model year diesel heavy-duty engines and vehicles.

(a) Exhaust emissions from new 1996 and later model year diesel heavy-duty engines shall not exceed the following (optional for 1996 model year gaseous-fueled diesel heavy-duty engines):

* * * * *

(c) No crankcase emissions shall be discharged into the ambient atmosphere from any new 1996 or later model year methanol-or gaseous-fueled diesel, or any naturally aspirated diesel heavy-duty engine. For petroleum-fueled engines only, this provision does not apply to engines using turbochargers, pumps, blowers, or superchargers for air induction. This provision is optional for all 1996 model year gaseous-fueled diesel heavy-duty engines, and for 1997 model year gaseous-fueled diesel heavy-duty engines using turbochargers, pumps, blowers or superchargers for air induction.

* * * * *

8. Section 86.113–94 of subpart B is amended by revising the tables after paragraphs (b)(2) and (b)(3) to read as follows:

§ 86.113–94 Fuel specifications.

* * * * *

(b) * * *

(2) * * *

Item		ASTM test method No.	Type 2–D
Cetane Number		D613	40–48
Cetane Index		D976	40–48
Distillation range:			
IBP	°F	D86	340–400
	(°C)		(171.1–204.4)
10 pct. point	°F	D86	400–460
	(°C)		(204.4–237.8)
50 pct. point	°F	D86	470–540
	(°C)		(243.3–282.2)

Item		ASTM test method No.	Type 2–D
90 pct. point	°F	D86	560–630
	(°C)		(293.3–332.2)
EP	°F	D86	610–690
	(°C)		(321.1–365.6)
Gravity	°API	D287	32–37
Total sulfur	pct.	D2622	0.03–0.05
Hydrocarbon composition:			
Aromatics, min.	pct.	D1319	27
Paraffins, Naphthenes, Olefins		D1319	(1)
Flashpoint, min.	°F	D93	130
	(°C)		(54.4)
Viscosity, centistokes		D445	2.0–3.2

[1] Remainder.

(3) * * *

Item		ASTM test method No.	Type 2–D
Cetane Number		D613	38–58
Cetane Index		D976	min. 40
Distillation range:			
90 pct. point	°F	D86	540–630
	(°C)		(282.2–343.3)
Gravity	°API	D287	30–39
Total sulfur	pct.	D2622	0.03–0.05
Flashpoint, min.	°F	D93	130
	(°C)		(54.4)
Viscosity	centistokes	D445	1.5–4.5

* * * * *

9. Section 86.119–90 of subpart B is amended by revising paragraph (b)(3) and adding paragraph (b)(8) to read as follows:

§ 86.119–90 CVS calibration.

* * * * *

(b) * * *

(3) Measurements necessary for flow calibration are as follows:

CALIBRATION DATA MEASUREMENTS

Parameter	Symbol	Units	Tolerances
Barometric pressure (corrected)	P_b	Inches Hg (kPa)	±.01 in Hg (±.034 kP_a).
Air temperature, flowmeter	ETI	°F (°C)	±.25°F (±.14°C).
Pressure depression upstream of LFE	EPI	Inches H_2O (kPa)	±.05 in H_2O (±.012 kPa).
Pressure drop across LFE matrix	EDP	Inches H_2O (kPa)	±.005 in H_2O (±.001 kPa).
Air flow	Qs	Ft^3/min. (m^3/min,)	±.5 pct.
CFV inlet depression	PPI	Inches fluid (kPa)	±.13 in fluid (±.055 kPa).
CFV outlet pressure	PPO	Inches Hg (kPa)	±0.05 in. Hg (±0.17 kPa)
Temperature at venturi inlet	T_v	°F (°C)	±0.5°F (±0.28°C).
Specific gravity of manometer fluid (1.75 oil)	Sp. Gr		

* * * * *

(8) Calculation of a parameter for monitoring sonic flow in the CFV during exhaust emissions tests:

(i) *Option 1.* (A) CFV pressure ratio. Based upon the calibration data selected to meet the criteria for paragraphs (d)(7)(iv) and (v), in which K_v is constant, select the data values associated with the calibration point with the lowest absolute venturi inlet pressure. With this set of calibration data, calculated the following CFV pressure ratio limit, $Pr_{ratio\text{-}lim}$:

$$Pr_{ratio\text{-}lim} = \frac{P_{out\text{-}cal}}{P_{in\text{-}cal}}$$

Where:

$P_{in\text{-}cal}$=Venturi inlet pressure (PPI in absolute pressure units), and

$P_{out\text{-}cal}$=Venturi outlet pressure (PPO in absolute pressure units), measured at the exit of the venturi diffuser outlet.

(B) The venturi pressure ratio ($Pr_{ratio\text{-}i}$) during all emissions tests must be less than, or equal to, the calibration pressure ratio limit ($Pr_{ratio\text{-}lim}$) derived from the CFV calibration data, such that:

$$\frac{P_{out\text{-}i}}{P_{in\text{-}i}} = Pr_{ratio\text{-}i} \leq Pr_{ratio\text{-}lim}$$

Where:

$P_{in\text{-}i}$ and $P_{out\text{-}i}$ are the venturi inlet and outlet pressures, in absolute

pressure units, at each i-th interval during the emissions test.

(ii) *Option 2.* Other methods: With prior Administrator approval, any other method may be used that assure that the venturi operates at sonic conditions during emissions tests, provided the method is based upon sound engineering principles.

* * * * *

10. Section 86.144–94 of subpart B is amended by revising paragraph (c)(8)(ii)(B) to read as follows:

§ 86.144–94 Calculations; exhaust emissions.

* * * * *

(c) * * *

(8) * * *

(ii) * * *

(B) For natural gas and liquefied petroleum gas fuel; $Density_{NMHC}$=1.1771(12.011+H/C(1.008))g/ft^3-carbon atom (0.04157(12.011+H/C(1.008))kg/m^3-carbon atom), where H/C is the hydrogen to carbon ratio of the non-methane hydrocarbon components of the test fuel, at 68°F (20°C) and 760 mm Hg (101.3 kPa) pressure.

* * * * *

11. Section 86.884–7 of subpart I is amended by revising paragraphs (a)(2)(i), (a)(3) and (a)(4) to read as follows:

§ 86.884–7 Dynamometer operation cycle for smoke emission tests.

(a) * * *

(1) * * *

(2) *Acceleration mode.* (i) The engine speed shall be increased to 200 ±50 rpm above the measured free idle speed measured at the point where the throttle begins to move from part-throttle to the full throttle position. The speed anywhere during this mode should not exceed this checkpoint speed by more than 50 rpm. The duration of this first acceleration shall be three seconds or less measured from the point where the speed first begins to increase above idle to the point where the throttle reaches full open position.

* * * * *

(3) *Lugging mode.* (i) Immediately upon the completion of the preceding acceleration mode, the dynamometer controls shall be adjusted to permit the engine to develop maximum horsepower at rated speed. This transition period shall be 50 to 60 seconds in duration. During the last 10 seconds of this period, the average engine speed shall be maintained within 50 rpm of the rated speed, and the average observed power (corrected, if necessary, to rating conditions) shall be no less than 95 percent of the maximum horsepower developed during the preconditioning prior to the smoke cycle.

(ii) With the throttle remaining in the fully open position, the dynamometer controls shall be adjusted gradually so that the engine speed is reduced to the intermediate speed. This lugging operation shall be performed smoothly over a period of 35±5 seconds. The rate of slowing of the engine shall be linear, within 100 rpm, as specified in § 86.884–13(c).

(4) *Engine unloading.* Within five seconds of completing the preceding lugging mode, the dynamometer and engine controls shall be returned to the idle position described in paragraph (a)(1) of this section. The engine must be at free idle condition within one minute after completion of the lugging mode.

* * * * *

12. Section 86.884–8 of subpart I is amended by revising paragraph (c) to read as follows:

§ 86.884–8 Dynamometer and engine equipment.

* * * * *

(c) An exhaust system with an appropriate type of smokemeter placed 10 to 32 feet from the exhaust manifold(s), turbocharger outlet(s), exhaust aftertreatment device(s), or crossover junction (on Vee engines), whichever is farthest downstream. The smoke exhaust system can share the same hardware required in part 86, subpart N, § 86.1327–84(f)(2), insofar as that hardware also meets the following smoke test requirements. The smoke exhaust system shall present an exhaust backpressure within +0.2 inch Hg of the upper limit at maximum rated horsepower, as established by the engine manufacturer in his sales and service literature for vehicle application. The following options may also be used:

(1) For engines with multiple exhaust outlets, join the exhaust outlets together into a single exhaust system and install the smokemeter 10 to 32 feet downstream from the junction of the individual exhaust outlets, or exhaust aftertreatment device(s), whichever is farthest downstream.

(2) For engines with multiple exhaust outlets, install a smokemeter in each of the exhaust pipes 10 to 32 feet downstream from each exhaust manifold, turbocharger outlet, or exhaust aftertreatment device, whichever is farthest downstream.

(3) For engines with multiple exhaust outlets, install a smokemeter on the exhaust pipe which produces the highest smoke levels 10 to 32 feet downstream from the exhaust manifold, turbocharger outlet, or exhaust aftertreatment device, whichever is farthest downstream. It may be required to make smoke measurements from other exhaust outlets if deemed appropriate by the Administrator.

(4) When utilizing an end-of-line smokemeter, the terminal two feet of the exhaust pipe used for smoke measurement shall be of a circular cross section and be free of elbows and bends. The end of the pipe shall be cut off squarely. The terminal two feet of the exhaust pipe shall have a nominal inside diameter in accordance with the engine being tested, as specified below:

Maximum Rated Horsepower	Standard Exhaust Pipe Diameter, inches (meters)
Less than 101 ..	2 (0.051)
101 to 200	3 (0.076)
201 to 300	4 (0.102)
301 to 500	5 (0.127)
501 or more	5 (0.127)[1] or 6 (0.152)[2]

[1] Applicable for on-highway engines.
[2] Applicable for nonroad engines.

(5) When utilizing an in-line smokemeter, there shall be no change in the exhaust pipe diameter within 3 exhaust pipe diameters before or after the centerline of the smokemeter optics. Within 6 exhaust pipe diameters upstream of the centerline of the smokemeter optics, no change in exhaust pipe diameter may exceed a 12 degree half-angle.

* * * * *

13. Section 86.884–9 of subpart I is amended by revising paragraphs (b)(2)(i), (b)(2)(ii), (b)(2)(iii), (b)(2)(iv), and (c)(1) to read as follows:

§ 86.884–9 Smoke measurement system.

* * * * *

(b) * * *

(2) * * *

(i) It is positioned so that a built-in light beam traverses the exhaust smoke plume at right angles to the axis of the exhaust stream.

(ii) The smokemeter light source shall be an incandescent lamp with a color temperature range of 2800K to 3250K, or a light source with a spectral peak between 550 to 570 nanometers.

(iii) The light output is collimated to a beam with a maximum diameter of 1.125 inches and an included angle of divergence within a 6° included angle.

(iv) The light detector shall be a photocell or photodiode. If the light source is an incandescent lamp, the detector shall have a spectral response similar to the photopic curve of the human eye (a maximum response in the range of 550 to 570 nanometers, to less than 4 percent of that maximum

response below 430 nanometers and above 680 nanometers).

* * * * *

(c) *Assembling equipment.* (1) The optical unit of the smokemeter shall be mounted radially to the exhaust pipe so that the measurement will be made at right angles to the axis of the exhaust plume. For an end-of-line smokemeter the distance from the optical centerline to the exhaust pipe outlet shall be 1 ±0.25 inch. The full flow of the exhaust stream shall be centered between the source and the detector apertures (or windows and lenses) and on the axis of the light beam.

* * * * *

14. Section 86.884–10 of subpart I is amended by revising paragraph (a)(8) to read as follows:

§ 86.884–10 Information.

* * * * *

(a) * * *

(8) Idle rpm.

* * * * *

15. Section 86.884–13 of subpart I is amended by revising paragraphs (b)(6)(ii) and (b)(6)(iii) to read as follows:

§ 86.884–13 Data analysis.

* * * * *

(b) * * *

(6) * * *

(ii) Average speed during the last 10 seconds shall be within ±50 rpm of rated speed.

(iii) Average observed power during the last 10 seconds shall be at least 95 percent of the horsepower developed during the preconditioning mode.

* * * * *

16. Section 86.884–14 of subpart I is revised to read as follows:

§ 86.884–14 Calculations.

(a) If the measured half-second opacity values were obtained with a smokemeter with an optical path length different than shown in the table in § 86.884–8(c), then convert the measured half-second values or the original instantaneous values to the appropriate equivalent optical path length values specified in the table. Convert the opacity values according to the following equations:

$N_s = 100 \times (1 - (1 - N_m/100)^{L_s/L_m})$

L_m and L_s must use consistent units in the above equation

Where:

N_m=Measured half-second value for conversion, percent opacity

L_m=Measuring smokemeter optical path length, meters

L_s=Standard optical path length corresponding with engine power, n

N_s=Standard half-second value, percent opacity

(b) Average the 45 readings in § 86.884–13(d)(3) or the equivalent converted values from paragraph (a) of this section if appropriate, and designate the value as ''A''. This is the value for the engine acceleration mode.

(c) Average the 15 readings in § 86.884–13(d)(4) or the equivalent converted values from paragraph (a) of this section if appropriate, and designate the value as ''B''. This is the value for the engine lugging mode.

(d) Average the 9 readings in § 86.884–13(d)(5) or the equivalent converted values from paragraph (a) of this section if appropriate, and designate the value as ''C''. This is the value for the peaks in either mode.

(e)(1) If multiple smokemeters were used, the half-second values for each mode from each smokemeter shall be combined and the calculated average based upon the total number of combined values.

(2) For example, if two smokemeters were used for acceleration mode data, 45 half-second values in each data set from both smokemeters would be combined to form a data set of 90 values, which would then be averaged.

17. Section 86.1008–90 of subpart K is amended by adding paragraph (a)(1)(iii) to read as follows:

§ 86.1008–90 Test procedures.

(a)(1)(i) * * *

(iii) During the testing of heavy-duty diesel engines, the manufacturer shall decide for each engine, prior to the start of the initial cold cycle, whether the measurement of background particulate is required for the cold and hot cycles to be valid. The manufacturer may choose to have different requirements for the cold and hot cycles. If a manufacturer chooses to require the measurement of background particulate, failure to measure background particulate shall void the test cycle regardless of the test results. If a test cycle is void, the manufacturer shall retest using the same validity requirements of the initial test.

* * * * *

18. Section 86.1008–96 of subpart K is amended by revising paragraph (a)(1) to read as follows:

§ 86.1008–96 Test procedures

* * * * *

(a)(1)(i) For heavy-duty engines, the prescribed test procedure is the Federal Test Procedure, as described in subparts N, I, and P of this part.

(ii) During the testing of heavy-duty diesel engines, the manufacturer shall decide for each engine, prior to the start of the initial cold cycle, whether the measurement of background particulate is required for the cold and hot cycles to be valid. The manufacturer may choose to have different requirements for the cold and hot cycles. If a manufacturer chooses to require the measurement of background particulate, failure to measure background particulate shall void the test cycle regardless of the test results. If a test cycle is void, the manufacturer shall retest using the same validity requirements of the initial test.

* * * * *

19. Section 86.1008–2001 of subpart K is amended by adding paragraph (a)(1)(iii) to read as follows:

§ 86.1008–2001 Test procedures.

(a)(1)(i) * * *

(iii) During the testing of heavy-duty diesel engines, the manufacturer shall decide for each engine, prior to the start of the initial cold cycle, whether the measurement of background particulate is required for the cold and hot cycles to be valid. The manufacturer may choose to have different requirements for the cold and hot cycles. If a manufacturer chooses to require the measurement of background particulate, failure to measure background particulate shall void the test cycle regardless of the test results. If a test cycle is void, the manufacturer shall retest using the same validity requirements of the initial test.

* * * * *

20. Section 86.1111–87 is amended by redesignating paragraph (a)(4) as paragraph (a)(5) and adding a new paragraph (a)(4) to read as follows:

§ 86.1111–87 Test procedures for PCA testing.

* * * * *

(a) * * *

(4) During the testing of heavy-duty diesel engines, the manufacturer shall decide for each engine, prior to the start of the initial cold cycle, whether the measurement of background particulate is required for the cold and hot cycles to be valid. The manufacturer may choose to have different requirements for the cold and hot cycles. If a manufacturer chooses to require the measurement of background particulate, failure to measure background particulate shall void the test cycle regardless of the test results. If a test cycle is void, the manufacturer shall retest using the same validity requirements of the initial test.

* * * * *

21. Section 86.1310–90 of subpart N is amended by revising paragraphs (b)(1)(iv)(C), (b)(3)(v), (b)(3)(vi), (b)(6)

introductory text, and (b)(7)(iv) to read as follows:

§ 86.1310–90 Exhaust gas sampling and analytical system; diesel engines.

* * * * *

(b) * * *

(1) * * *

(iv) * * *

(C) Primary dilution air may be sampled to determine background particulate levels, which can then be subtracted from the values measured in the diluted exhaust stream. The primary dilution air shall be sampled at the inlet to the primary dilution tunnel, if unfiltered, or downstream of any primary dilution air conditioning devices, if used.

* * * * *

(3) * * *

(v) The continuous HC sampling system shall consist of a probe (which must raise the sample to the specified temperature) and, where used, a sample transfer system (which must maintain the specified temperature). The continuous hydrocarbon sampling system (exclusive of the probe) shall:

(A) Maintain a wall temperature of 464K ± 11K (191°C ± 11°C) as measured at every separately controlled heated component (i.e., filters, heated line sections), using permanent thermocouples located at each of the separate components.

(B) Have a wall temperature of 464K ± 11K (191°C ± 11°C) over its entire length. The temperature of the system shall be demonstrated by profiling the thermal characteristics of the system at initial installation and after any major maintenance performed on the system. The temperature profile of the HC sampling system shall be demonstrated by inserting thermocouple wires (typically Teflon® coated for ease of insertion) into the sampling system assembled in-situ where possible, using good engineering judgement. The wire should be inserted up to the HFID inlet. Stabilize the sampling system heaters at normal operating temperatures. Withdraw the wires in increments of 5 cm to 10 cm (2 inches to 4 inches) including all fittings. Record the stabilized temperature at each position. The system temperature will be monitored during testing at the locations and temperature described in § 86.1310–90(b)(v)(A). Comment: It is understood that profiling of the sample line can be done under flowing conditions also as required with the probe.

(C) Maintain a gas temperature of 464K ±11K (191°C ±11°C) immediately before the heated filter and HFID. These gas temperatures will be determined by a temperature sensor located immediately upstream of each component.

(vi) The continuous hydrocarbon sampling probe shall:

(A) Be defined as the first 25.4 cm (10 in) to 76.2 cm (30 in) of the continuous hydrocarbon sampling system.

(B) Have a 0.483 cm (0.19 in) minimum inside diameter.

(C) Be installed in the primary dilution tunnel at a point where the dilution air and exhaust are well mixed (i.e., approximately 10 tunnel diameters downstream of the point where the exhaust enters the dilution tunnel).

(D) Be sufficiently distant (radially) from other probes and the tunnel wall so as to be free from the influence of any wakes or eddies.

(E) Increase the gas stream temperature to 464K ±11K (191°C ±11°C) by the exit of the probe. The ability of the probe to accomplish this shall be demonstrated at typical sample flow rates using the insertion thermocouple technique at initial installation and after any major maintenance. Compliance with the temperature specification shall be demonstrated by monitoring during each test the temperature of either the gas stream or the wall of the sample probe at its terminus.

* * * * *

(6) *Particulate sampling system*. The particulate collection system must be configured in either of two ways. The single-dilution method collects a proportional sample from the primary tunnel, and then passes this sample through the collection filter. The double-dilution method collects a proportional sample from the primary tunnel, and then transfers this sample to a secondary dilution tunnel where the sample is further diluted; the double-diluted sample is then passed through the collection filter. Proportionality (i.e., mass flow ratio) between the primary tunnel flow rate and the sample flow rate must be maintained within ±5 percent. The requirements for these two systems are:

* * * * *

(7) * * *

(iv) It is recommended that the filter loading should be maximized consistent with other temperature requirements and the requirement to avoid moisture condensation. A filter pair loading of 1 mg is typically proportional to a 0.1 g/bhp-hr emission level. All particulate filters, reference filters, and background filters shall be handled in pairs during all weighing operations for emissions testing.

* * * * *

22. Section 86.1312–88 of subpart N is amended by revising paragraph (a) to read as follows:

§ 86.1312–88 Weighing chamber and microgram balance specifications.

(a) *Ambient conditions.* (1) *Temperature.* The ambient temperature of the chamber (or room) in which the particulate filters are conditioned and weighed shall be maintained at 295 K ± 3 K (22 °C ± 3 °C) during all filter conditioning and weighing.

(2) *Humidity.* The humidity of the chamber (or room) in which the particulate filters are conditioned and weighed shall be maintained at a dew point temperature of 282.5 K ± 3 K (9.4 °C ± 3 °C) and a relative humidity of 45% ±8%. Either the dew point temperature or the relative humidity or both may be averaged over the preceding 10 minute period on a moving average basis.

(3) The chamber (or room) environment shall be free of any ambient contaminates (such as dust) that would settle on the particulate filters during their stabilization. It is required that at least two unused reference filter pairs remain in the weighing room at all times in covered (to reduce dust contamination) but unsealed (to permit humidity exchange) petri dishes. These reference filter pairs shall be placed in the same general area as the sample filters. These reference filter pairs shall be weighed within 4 hours of, but preferably at the same time as, the sample filter pair weighings.

(4) If the average weight of the reference filter pairs changes between sample filter weighings by more than 40 micrograms, then all sample filters and background filters in the process of stabilization shall be discarded and the emissions tests repeated.

(5) If the room (or chamber) environmental conditions are not met, then the filters shall remain in the conditioning room for at least one hour after correct conditions are met prior to weighing.

(6) The reference filter pairs shall be changed at least once a month, but never between clean and used weighings of a given sample filter pairs. More than one set of reference filter pair may be used. The reference filters shall be the same size and material as the sample filters.

* * * * *

23. Section 86.1313–91 of subpart N is amended by revising paragraph (b)(2) including Table N91–2 to read as follows:

§ 86.1313–91 Fuel specifications.

* * * * *

(b) * * *

(2) Petroleum fuel for diesel engines meeting the specifications in Table N91–2, or substantially equivalent specifications approved by the Administrator, shall be used in exhaust emissions testing. The grade of petroleum fuel used shall be commercially designated as ''Type 2–D'' grade diesel fuel except that fuel commercially designated as ''Type 1–D'' grade diesel fuel may be substituted provided that the manufacturer has submitted evidence to the Administrator demonstrating to the Administrator's satisfaction that this fuel will be the predominant in-use fuel. Such evidence could include such things as copies of signed contracts from customers indicating the intent to purchase and use ''Type 1–D'' grade diesel fuel as the primary fuel for use in the engines or other evidence acceptable to the Administrator.

TABLE N91–2

Item	ASTM	Type 1–D	Type 2–D
Cetane Number	D613	48–54	42–50
Cetane Index	D86	40–54	40–48
Distillation range:			
IBP °F	D86	330–390	340–400
(°C)		(165.6–198.9)	(171.1–204.4)
10 percent point, °F	D86	370–430	400–460
(°C)		(187.8–221.1)	(204.4–237.8)
50 percent point, °F	D86	410–480	470–540
(°C)		(210–248.9)	(243.3–282.2)
90 percent point, °F	D86	460–520	560–630
(°C)		(237.8–271.1)	(293.3–332.2)
EP, °F	D86	500–560	610–690
(°C)		(260.0–293.3)	(321.1–365.6)
Gravity, °API	D287	40–44	32–37
Total Sulfur, percent	D2622	0.08–0.12	0.08–0.12
Hydrocarbon composition:			
Aromatics, pct	D1319 or D5186	[1] 8	[1] 27
Paraffins, Naphthenes, Olefins	D1319	([2])	([2])
Flashpoint, °F	D93	120	130
(°C)		(48.9)	(54.4)
(minimum)		.....	.....
Viscosity, Centistokes	D445	1.6–2.0	2.0–3.2

[1] Minimum.
[2] Remainder.

* * * * *

24. Section 86.1313–94 of subpart N is amended by revising paragraph (b)(2) including Table N94–2 to read as follows:

§ 86.1313–94 Fuel specifications.

* * * * *

(b) * * *

(2) Petroleum fuel for diesel engines meeting the specifications in Table N94–2, or substantially equivalent specifications approved by the Administrator, shall be used in exhaust emissions testing. The grade of petroleum fuel used shall be commercially designated as ''Type 2–D'' grade diesel fuel except that fuel commercially designated at ''Type 1–D'' grade diesel fuel may be substituted provided that the manufacturer has submitted evidence to the Administrator demonstrating to the Administrator's satisfaction that this fuel will be the predominant in-use fuel. Such evidence could include such things as copies of signed contracts from customers indicating the intent to purchase and use ''Type 1–D'' grade diesel fuel as the primary fuel for use in the engines or other evidence acceptable to the Administrator.

TABLE N94–2

Item	ASTM	Type 1–D	Type 2–D
Cetane Number	D613	40–54	40–48
Cetane Index	D976	40–54	40–48
Distillation range:			
IBP °F	D86	330–390	340–400
(°C)		(165.6–198.9)	(171.1–204.4)
10 percent point, °F	D86	370–430	400–460
(°C)	(187.8–221.1)	(204.4–237.8)	
50 percent point, °F	D86	410–480	470–540
(°C)		(210–248.9)	(243.3–282.2)
90 percent point, °F	D86	460–520	560–630
(°C)		(237.8–271.1)	(293.3–332.2)
EP, °F	D86	500–560	610–690
(°C)		(260.0–293.3)	(321.1–365.6)
Gravity, °API	D287	40–44	32–37
Total Sulfur, percent	D2622	0.03–0.05	0.03–0.05
Hydrocarbon composition:			
Aromatics, pct	D1319 or D5186	[1] 8	[1] 27
Paraffins, Naphthenes, Olefins	D1319	([2])	([2])

TABLE N94–2—Continued

Item	ASTM	Type 1–D	Type 2–D
Flashpoint, °F	D93	120	130
(°C)		(48.9)	(54.4)
(minimum)			
Viscosity, Centistokes	D445	1.6–2.0	2.0–3.2

[1] Minimum.
[2] Remainder.

* * * * *

25. Section 86.1313–98 is added to subpart N to read as follows:

§ 86.1313–98 Fuel specifications.

Section 86.1313–98 includes text that specifies requirements that differ from § 86.1313–94. Where a paragraph in § 86.1313–94 is identical and applicable to § 86.1313–98, this may be indicated by specifying the corresponding paragraph and the statement ''[Reserved]. For guidance see § 86.1313–94''.

(a) through (b)(1) [Reserved]. For guidance see § 86.1313–94.

(b)(2) Petroleum fuel for diesel engines meeting the specifications in Table N98–2, or substantially equivalent specifications approved by the Administrator, shall be used in exhaust emissions testing. The grade of petroleum fuel used shall be commercially designated as ''Type 2–D'' grade diesel fuel except that fuel commercially designated at ''Type 1–D'' grade diesel fuel may be substituted provided that the manufacturer has submitted evidence to the Administrator demonstrating to the Administrator's satisfaction that this fuel will be the predominant in-use fuel. Such evidence could include such things as copies of signed contracts from customers indicating the intent to purchase and use ''Type 1–D'' grade diesel fuel as the primary fuel for use in the engines or other evidence acceptable to the Administrator.

TABLE N98–2

Item	ASTM	Type 1–D	Type 2–D
Cetane Number	D613	40–54	40–48
Cetane Index	D976	40–54	40–48
Distillation range:			
IBP °F	D86	330–390	340–400
(°C)		(165.6–198.9)	(171.1–204.4)
10 percent point, °F	D86	370–430	400–460
(°C)		(187.8–221.1)	(204.4–237.8)
50 percent point, °F	D86	410–480	470–540
(°C)		(210–248.9)	(243.3–282.2)
90 percent point, °F	D86	460–520	560–630
(°C)		(237.8–271.1)	(293.3–332.2)
EP, °F	D86	500–560	610–690
(°C)		(260.0–293.3)	(321.1–365.6)
Gravity, °API	D287	40–44	32–37
Total Sulfur, percent	D2622	0.03–0.05	0.03–0.05
Hydrocarbon composition:			
Aromatics, pct	D5186	[1] 8	[1] 27
Paraffins, Naphthenes, Olefins	D1319	([2])	([2])
Flashpoint, °F	D93	120	130
(°C)		(48.9)	(54.4)
(minimum)			
Viscosity, Centistokes	D445	1.6–2.0	2.0–3.2

[1] Minimum.
[2] Remainder.

(b)(3) through (e) [Reserved]. For guidance see § 86.1313–94.

26. Section 86.1316–90 of subpart N is amended by revising paragraph (b)(1) and adding paragraph (f) to read as follows:

§ 86.1316–90 Calibrations; frequency and overview.

* * * * *

(b) * * *

(1) Calibrate the hydrocarbon analyzer, carbon dioxide analyzer, carbon monoxide analyzer, oxides of nitrogen analyzer, methanol analyzer and formaldehyde analyzer (certain analyzers may require more frequent calibration depending on the equipment and use). New calibration curves need not be generated each month if the existing curve meets the requirements of §§ 86.1321 through 86.1324.

* * * * *

(f) *For diesel fuel testing only.* The carbon monoxide analyzer shall be calibrated at least every two months or after any maintenance which could alter calibration.

27. Section 86.1316–94 of subpart N is amended by revising paragraph (b)(1) and adding paragraph (f) to read as follows:

§ 86.1316–94 Calibrations; frequency and overview.

* * * * *

(b) * * *

(1) Calibrate the hydrocarbon analyzer, carbon dioxide analyzer, carbon monoxide analyzer, and oxides of nitrogen analyzer (certain analyzers may require more frequent calibration depending on the equipment and use).

New calibration curves need not be generated each month if the existing curve meets the requirements of §§ 86.1321 through 86.1324.

* * * * *

(f) For diesel fuel testing only. The carbon monoxide analyzer shall be calibrated at least every two months or after any maintenance which could alter calibration.

28. Section 86.1319–84 of subpart N is amended by revising paragraph (d)(3) and adding paragraph (d)(8) to read as follows:

§ 86.1319–84 CVS calibration.

* * * * *

(d) * * *

(3) Measurements necessary for flow calibration are as follows:

CALIBRATION DATA MEASUREMENTS

Parameter	Symbol	Units	Tolerances
Barometric pressure (corrected)	P_b	Inches Hg (kPa)	±.01 in Hg (±.034 kPa).
Air temperature, flowmeter	ETI	°F (°C)	±.25 °F (±.14 °C).
Pressure depression upstream of LFE	EPI	Inches H2O (kPa)	±.05 in H2O (±.012 kPa).
Pressure drop across LFE matrix	EDP	Inches H2O (kPa)	±.005 in H2O (±.001 kPa).
Air flow	Q_s	Ft^3/min. (m^3/min,)	±.5 pct.
CFV inlet depression	PPI	Inches fluid (kPa)	±.13 in fluid (±.055 kPa).
CFV outlet pressure	PPO	Inches Hg (kPa)	±.05 in Hg (±0.17 kPa).
Temperature at venturi inlet	T_v	°F (°C)	±0.5 °F (±0.28 °C).
Specific gravity of manometer fluid (1.75 oil)	Sp. Gr		

* * * * *

(8) Calculation of a parameter for monitoring sonic flow in the CFV during exhaust emissions tests:

(i) *Option 1.* (A) CFV pressure ratio. Based upon the calibration data selected to meet the criteria for paragraphs (d)(7)(iv) and (v) of this section, in which K_v is constant, select the data values associated with the calibration point with the lowest absolute venturi inlet pressure. With this set of calibration data, calculated the following CFV pressure ratio limit, $Pr_{ratio\text{-}lim}$:

$$Pr_{ratio\text{-}lim} = \frac{P_{out\text{-}cal}}{P_{in\text{-}cal}}$$

where:

$P_{in\text{-}cal}$=Venturi inlet pressure (PPI in absolute pressure units), and

$P_{out\text{-}cal}$=Venturi outlet pressure (PPO in absolute pressure units), measured at the exit of the venturi diffuser outlet.

(B) The venturi pressure ratio ($Pr_{ratio\text{-}i}$) during all emissions tests must be less than, or equal to, the calibration pressure ratio limit ($Pr_{ratio\text{-}lim}$) derived from the CFV calibration data, such that:

$$\frac{P_{out\text{-}i}}{P_{in\text{-}i}} = Pr_{ratio\text{-}i} \leq Pr_{ratio\text{-}lim}$$

Where:

$P_{in\text{-}i}$ and $P_{out\text{-}i}$ are the venturi inlet and outlet pressures, in absolute pressure units, at each i-th interval during the emissions test.

(ii) *Option 2.* Other methods: With prior Administrator approval, any other method may be used that assure that the venturi operates at sonic conditions during emissions tests, provided the method is based upon sound engineering principles.

* * * * *

29. Section 86.1319–90 of subpart N is amended by revising paragraph (d)(3) and adding paragraph (d)(8) to read as follows:

§ 86.1319–90 CVS calibration.

* * * * *

(d) * * *

(3) Measurements necessary for flow calibration are as follows:

CALIBRATION DATA MEASUREMENTS

Parameter	Symbol	Units	Sensor-readout tolerances
Barometric pressure (corrected)	P_b	in Hg (kPa)	±.01 in Hg (±.034 kPa).
Air temperature, into flowmeter	ETI	°F(°C)	±0.5 °F (±0.28 °C).
Pressure drop between the inlet and throat of metering venturi	EDP	Inches H2O (kPa)	±0.05 in H_2O (±0.012 kPa).
Air flow	Q_s	Ft^3/min. (m^3/min,)	±.5% of NBS ''true'' value
CFV inlet depression	PPI	Inches fluid (kPa)	±.13 in fluid (±.055 kPa).
CFV outlet pressure	PPO	Inches Hg (kPa)	±.05 in Hg (±.17 kPa).
Temperature at venturi inlet	T_v	°F (°C)	±4.0 °F (±2.22 °C).
Specific gravity of manometer fluid (1.75 oil)	Sp. Gr		

* * * * *

(8) Calculation of a parameter for monitoring sonic flow in the CFV during exhaust emissions tests:

(i) *Option 1.* (A) CFV pressure ratio. Based upon the calibration data selected to meet the criteria for paragraphs (d)(7)(iv) and (v) of this section, in which K_v is constant, select the data values associated with the calibration point with the lowest absolute venturi inlet pressure. With this set of calibration data, calculated the following CFV pressure ratio limit, $Pr_{ratio\text{-}lim}$:

$$Pr_{ratio\text{-}lim} = \frac{P_{out\text{-}cal}}{P_{in\text{-}cal}}$$

Where:

$P_{in\text{-}cal}$=Venturi inlet pressure (PPI in absolute pressure units), and

$P_{out\text{-}cal}$=Venturi outlet pressure (PPO in absolute pressure units), measured at the exit of the venturi diffuser outlet.

(B) The venturi pressure ratio ($Pr_{ratio\text{-}i}$) during all emissions tests must be less than, or equal to, the calibration pressure ratio limit ($Pr_{ratio\text{-}lim}$) derived from the CFV calibration data, such that:

$$\frac{P_{out\text{-}i}}{P_{in\text{-}i}} = Pr_{ratio\text{-}i} \leq Pr_{ratio\text{-}lim}$$

Where:

P_{in-i} and P_{out-i} are the venturi inlet and outlet pressures, in absolute pressure units, at each i-th interval during the emissions test.

(ii) *Option 2.* Other methods: With prior Administrator approval, any other method may be used that assure that the venturi operates at sonic conditions during emissions tests, provided the method is based upon sound engineering principles.

* * * * *

30. Section 86.1321–90 of subpart N is amended by revising paragraphs (a) and (b)(3) to read as follows:

§ 86.1321–90 Hydrocarbon analyzer calibration.

* * * * *

(a) *Initial and periodic optimization of detector response.* Prior to introduction into service and at least annually thereafter, the FID hydrocarbon analyzer shall be adjusted for optimum hydrocarbon response.

(1) Follow good engineering practices for initial instrument start-up and basic operating adjustment using the appropriate fuel (see § 86.1314) and zero-grade air.

(2) Optimize the FID's response on the most common operating range. The response is to be optimized with respect to fuel pressure or flow while meeting the analyzer response time given in § 86.1310(b)(3)(vii)(A) for continuous HC measurement. Efforts shall be made to minimize response variations to different hydrocarbon species that are expected to be in the exhaust. Good engineering judgement is to be used to trade off optimal FID response to propane-in-air against reductions in relative responses to other hydrocarbons. A good example of trading off response on propane for relative responses to other hydrocarbon species is given in Society of Automotive Engineers (SAE) Paper No. 770141, ''Optimization of Flame Ionization Detector for Determination of Hydrocarbon in Diluted Automotive Exhausts''; author Glenn D. Reschke. It is also required that the response be set to optimum condition with respect to air flow and sample flow. Heated Flame Ionization Detectors (HFIDs) must be at their specified operating temperature.

(3) One of the following procedures is to be used for FID or HFID optimization:

(i) Use the procedures outlined in Society of Automotive Engineers (SAE) paper No. 770141, ''Optimization of Flame Ionization Detector for Determination of Hydrocarbons in Diluted Automobile Exhaust''; author, Glenn D. Reschke, as an example.

(ii) The HFID optimization procedures outlined in 40 CFR part 86, subpart D, § 86.331–79(c).

(iii) Alternative procedures may be used if approved in advance by the Administrator.

(iv) The procedures specified by the manufacturer of the FID or HFID.

(4) After the optimum fuel, air, and sample pressures or flow rates have been determined, they shall be recorded for future reference.

(b) * * *

(3) Calibrate on each used operating range with a minimum of 6, approximately equally spaced, propane-in-air calibration gases (e.g., 15, 30, 45, 60, 75, and 90 percent of that range). For each range calibrated, if the deviation from a least-squares best-fit straight line is within ±2 percent of the value at each non-zero data point and within ±0.3 percent of full scale on the zero data point, then concentration values may be calculated by using the linear calibration equation for that range. If the deviation exceeds these limits, then the best-fit non-linear equation which represents the data within these limits shall be used to determine concentration values.

* * * * *

31. Section 86.1321–94 of subpart N is amended by revising paragraphs (a) and (b)(3) to read as follows:

§ 86.1321–94 Hydrocarbon analyzer calibration.

* * * * *

(a) Initial and periodic optimization of detector response. Prior to introduction into service and at least annually thereafter, the FID hydrocarbon analyzer shall be adjusted for optimum hydrocarbon response.

(1) Follow good engineering practices for initial instrument start-up and basic operating adjustment using the appropriate fuel (see § 86.1314) and zero-grade air.

(2) Optimize the FID's response on the most common operating range. The response is to be optimized with respect to fuel pressure or flow while meeting the analyzer response time given in § 86.1310(b)(3)(vii)(A) for continuous HC measurement. Efforts shall be made to minimize response variations to different hydrocarbon species that are expected to be in the exhaust. Good engineering judgement is to be used to trade off optimal FID response to propane-in-air against reductions in relative responses to other hydrocarbons. A good example of trading off response on propane for relative responses to other hydrocarbon species is given in Society of Automotive Engineers (SAE) Paper No. 770141, ''Optimization of Flame Ionization Detector for Determination of Hydrocarbon in Diluted Automotive Exhausts''; author Glenn D. Reschke. It is also required that the response be set to optimum condition with respect to air flow and sample flow. Heated Flame Ionization Detectors (HFIDs) must be at their specified operating temperature.

(3) One of the following procedures is to be used for FID or HFID optimization:

(i) Use the procedures outlined in Society of Automotive Engineers (SAE) paper number 770141, ''Optimization of Flame Ionization Detector for Determination of Hydrocarbons in Diluted Automobile Exhaust''; author, Glenn D. Reschke, as an example. Available from Society of Automotive Engineers International, 400 Commonwealth Dr., Warrendale, PA 15096–0001.

(ii) The procedure listed in subpart D, § 86.331–79(c) of this part.

(iii) The procedures specified by the manufacturer of the FID or HFID.

(iv) Alternative procedures may be used if approved in advance by the Administrator.

(4) After the optimum fuel, air and sample pressures or flow rates have been determined, they shall be recorded for future reference.

(b) * * *

(3) Calibrate on each used operating range with a minimum of 6, approximately equally spaced, propane-in-air calibration gases (e.g., 15, 30, 45, 60, 75, and 90 percent of that range). For each range calibrated, if the deviation from a least-squares best-fit straight line is within ±2 percent of the value at each non-zero data point and within ±0.3 percent of full scale on the zero data point, then concentration values may be calculated by using the linear calibration equation for that range. If the deviation exceeds these limits, then the best-fit non-linear equation which represents the data within these limits shall be used to determine concentration values.

* * * * *

32. Section 86.1322–84 of subpart N is amended by revising paragraph (b)(3) to read as follows:

§ 86.1322–84 Carbon monoxide analyzer calibration.

* * * * *

(b) * * *

(3) Calibrate on each used operating range with a minimum of 6, approximately equally spaced, carbon monoxide-in-N_2 calibration gases (e.g., 15, 30, 45, 60, 75, and 90 percent of that range). For each range calibrated, if the deviation from a least-squares best-fit straight line is within ±2 percent of the

value at each non-zero data point and within ±0.3 percent of full scale on the zero data point, then concentration values may be calculated by using the linear calibration equation for that range. If the deviation exceeds these limits, then the best-fit not-linear equation which represents the data within these limits shall be used to determine concentration values.

* * * * *

33. Section 86.1323–84 of subpart N is amended by revising paragraph (b)(3) to read as follows:

§ 86.1323–84 Oxides of nitrogen analyzer calibration.

* * * * *

(b) * * *

(3) Calibrate on each used operating range with a minimum of 6, approximately equally spaced, NO-in-N_2 calibration gases (e.g., 15, 30, 45, 60, 75, and 90 percent of that range). For each range calibrated, if the deviation from a least-squares best-fit straight line is within ±2 percent of the value at each non-zero data point and within ±0.3 percent of full scale on the zero data point, then concentration values may be calculated using the linear calibration equation for that range. If the deviation exceeds these limits, then the best-fit non-linear equation which represents the data within these limits shall be used to determine concentration values.

* * * * *

34. Section 86.1324–84 of subpart N is amended by revising paragraph (c) to read as follows:

§ 86.1324–84 Carbon dioxide analyzer calibration.

* * * * *

(c) Calibrate on each used operating range with a minimum of 6, approximately equally spaced, carbon dioxide-in-N_2 calibration or span gases (e.g., 15, 30, 45, 60, 75, and 90 percent of that range). For each range calibrated, if the deviation from a least-squares best-fit straight line is within ±2 percent or less of the value at each non-zero data point and within ±0.3 percent of full scale on the zero data point, then concentration values may be calculated by using the linear calibration equation for that range. If the deviation exceeds these limits, then the best-fit non-linear equation which represents the data within these limits shall be used to determine concentration values.

* * * * *

35. Section 86.1325–94 of subpart N is amended by revising paragraph (c) to read as follows:

§ 86.1325–94 Methane analyzer calibration.

* * * * *

(c) Calibrate on each used operating range with a minimum of 6, approximately equally spaced, CH4 in air calibration gases (e.g., 15, 40, 45, 60, 75, and 90 percent of that range). For each range calibrated, if the deviation from a least-squares best-fit straight line is within ±2 percent of the value at each non-zero data point and within ±0.3 percent of full scale on the zero data point, then concentration values may be calculated by using the linear calibration equation for that range. If the deviation exceeds these limits, then the best-fit non-linear equation which represents the data within these limits shall be used to determine concentration values.

36. Section 86.1327–90 of subpart N is amended by revising paragraphs (b), (f)(1), (f)(2) introductory text and (f)(2)(i) to read as follows:

§ 86.1327–90 Engine dynamometer test procedures; overview.

* * * * *

(b) Engine torque and rpm command set points shall be issued at 5 (10 Hz recommended) Hz or greater during both the cold and hot start tests. Feedback engine torque and rpm shall be recorded at least once every second during the test.

* * * * *

(f) * * *

(1) *Gasoline-fueled and methanol-fueled Otto-cycle engines.* A chassis-type exhaust system shall be used. For all catalyst systems, the distance from the exhaust manifold flange(s) to the catalyst shall be the same as in the vehicle configuration unless the manufacturer provides data showing equivalent performance at another location. The catalyst container may be removed during all test sequences prior to the practice cycle, and replaced with an equivalent container having an inactive catalyst support.

(2) *Petroleum-fueled and methanol-fueled diesel engines.* Either a chassis-type or a facility-type exhaust system or both systems simultaneously may be used. If the engine is equipped with an exhaust aftertreatment device, the exhaust pipe must be the same diameter as found in-use for at least 4 pipe diameters upstream to the inlet of the beginning of the expansion section containing the aftertreatment device. The exhaust backpressure or restriction shall follow the same criteria as in § 86.1330–90(f) and may be set with a valve (muffler omitted). The catalyst container may be removed during all test sequences prior to the practice cycle, and replaced with an equivalent container having an inactive catalyst support.

(i) The engine exhaust system shall meet the following requirements:

(A) The total length of the tubing from the exit of the engine exhaust manifold, turbocharger outlet or aftertreatment device to the primary dilution tunnel shall not exceed 32 feet (9.8 m).

(B) The initial portion of the exhaust system may consist of a typical in-use (i.e., length, diameter, material, etc.) chassis-type exhaust system.

(C) The distance from the exhaust manifold flange(s) or turbocharger outlet to any exhaust aftertreatment device shall be the same as in the vehicle configuration or within the distance specifications provided by the manufacturer.

(D) For engines which are not equipped with exhaust aftertreatment devices, all tubing in excess of 12 feet (3.7 m) from the exit of the turbocharger or exhaust manifold shall be insulated. For engines equipped with exhaust aftertreatment devices, all tubing after the aftertreatment device which is in excess of 12 feet (3.7 m) shall be insulated.

(E) If the tubing is required to be insulated, the radial thickness of the insulation must be at least 1.0 inch (25 mm). The thermal conductivity of the insulating material must have a value no greater than 0.75 BTU-in/hr/ft^2/°F (0.065 W/m-K) measured at 700 °F (371 °C).

(F) A smoke meter or other instrumentation may be inserted into the exhaust system tubing. If this option is exercised in the insulated portion of the tubing, then a minimal amount of tubing not to exceed 18 inches may be left uninsulated. However, no more than 12 feet (3.66 m) of tubing can be left uninsulated in total, including the length at the smoke meter.

* * * * *

37. Section 86.1327–94 of subpart N is amended by revising paragraphs (b), (f)(1), (f)(2) introductory text and (f)(2)(i) to read as follows:

§ 86.1327–94 Engine dynamometer test procedures; overview.

* * * * *

(b) Engine torque and rpm command set points shall be issued at 5 (10 Hz recommended) Hz or greater during both the cold and hot start tests. Feedback engine torque and rpm shall be recorded at least once every second during the test.

* * * * *

(f) * * *

(1) *Otto-cycle engines.* A chassis-type exhaust system shall be used. For all catalyst systems, the distance from the exhaust manifold flange(s) to the catalyst shall be the same as in the

vehicle configuration unless the manufacturer provides data showing equivalent performance at another location. The catalyst container may be removed during all test sequences prior to the practice cycle, and replaced with an equivalent container having an inactive catalyst support.

(2) *Diesel engines.* Either a chassis-type or a facility-type exhaust system or both systems simultaneously may be used. If the engine is equipped with an exhaust aftertreatment device, the exhaust pipe must be the same diameter as found in-use for at least 4 pipe diameters upstream to the inlet of the beginning of the expansion section containing the aftertreatment device. The exhaust backpressure or restriction shall follow the same criteria as in § 86.1330–90 (f) and may be set with a valve (muffler omitted). The catalyst container may be removed during all test sequences prior to the practice cycle, and replaced with an equivalent container having an inactive catalyst support.

(i) The engine exhaust system shall meet the following requirements:

(A) The total length of the tubing from the exit of the engine exhaust manifold, turbocharger outlet or aftertreatment device to the primary dilution tunnel shall not exceed 32 feet (9.8 m).

(B) The initial portion of the exhaust system may consist of a typical in-use (i.e., length, diameter, material, etc.) chassis-type exhaust system.

(C) The distance from the exhaust manifold flange(s) or turbocharger outlet to any exhaust aftertreatment device shall be the same as in the vehicle configuration or within the distance specifications provided by the manufacturer.

(D) For engines which are not equipped with exhaust aftertreatment devices, all tubing in excess of 12 feet (3.7 m) from the exit of the turbocharger or exhaust manifold shall be insulated. For engines equipped with exhaust aftertreatment devices, all tubing after the aftertreatment device which is in excess of 12 feet (3.7 m) shall be insulated.

(E) If the tubing is required to be insulated, the radial thickness of the insulation must be at least 1.0 inch (25 mm). The thermal conductivity of the insulating material must have a value no greater than 0.75 BTU-in/hr/ft^2/°F (0.065 W/m–K) measured at 700 °F (371 °C).

(F) A smoke meter or other instrumentation may be inserted into the exhaust system tubing. If this option is exercised in the insulated portion of the tubing, then a minimal amount of tubing not to exceed 18 inches may be left uninsulated. However, no more than 12 feet (3.66 m) of tubing can be left uninsulated in total, including the length at the smoke meter.

* * * * *

38. Section 86.1327–96 of Subpart N is amended by revising paragraphs (b), (f)(1), (f)(2) introductory text, and (f)(2)(i) to read as follows:

§ 86.1327–96 Engine dynamometer test procedures; overview.

* * * * *

(b) Engine torque and rpm command set points shall be issued at 5 (10 Hz recommended) Hz or greater during both the cold and hot start tests. Feedback engine torque and rpm shall be recorded at least once every second during the test.

* * * * *

(f) * * *

(1) *Gasoline-fueled and methanol-fueled Otto-cycle engines.* A chassis-type exhaust system shall be used. For all catalyst systems, the distance from the exhaust manifold flange(s) to the catalyst shall be the same as in the vehicle configuration unless the manufacturer provides data showing equivalent performance at another location. The catalyst container may be removed during all test sequences prior to the practice cycle, and replaced with an equivalent container having an inactive catalyst support.

(2) Petroleum-fueled and methanol-fueled diesel engines. Either a chassis-type or a facility-type exhaust system or both systems simultaneously may be used. If the engine is equipped with an exhaust aftertreatment device, the exhaust pipe must be the same diameter as found in-use for at least 4 pipe diameters upstream to the inlet of the beginning of the expansion section containing the aftertreatment device. The exhaust backpressure or restriction shall follow the same criteria as in § 86.1330–90(f) and may be set with a valve (muffler omitted). The catalyst container may be removed during all test sequences prior to the practice cycle, and replaced with an equivalent container having an inactive catalyst support.

(i) The engine exhaust systems shall meet the following requirements:

(A) The total length of the tubing from the exit of the engine exhaust manifold, turbocharger outlet or aftertreatment device to the primary dilution tunnel shall not exceed 32 feet (9.8 m).

(B) The initial portion of the exhaust system may consist of a typical in-use (i.e., length, diameter, material, etc.) chassis-type exhaust system.

(C) The distance from the exhaust manifold flange(s) or turbocharger outlet to any exhaust aftertreatment device shall be the same as in the vehicle configuration or within the distance specifications provided by the manufacturer.

(D) For engines which are not equipped with exhaust aftertreatment devices, all tubing in excess of 12 feet (3.7 m) from the exit of the turbocharger or exhaust manifold shall be insulated. For engines equipped with exhaust aftertreatment devices, all tubing after the aftertreatment device which is in excess of 12 feet (3.7 m) shall be insulated.

(E) If the tubing is required to be insulated, the radial thickness of the insulation must be at least 1.0 inch (25 mm). The thermal conductivity of the insulating material must have a value no greater than 0.75 BTU-in/hr/ft^2/°F (0.065 W/m–K) measured at 700 °F (371 °C).

(F) A smoke meter or other instrumentation may be inserted into the exhaust system tubing. If this option is exercised in the insulated portion of the tubing, then a minimal amount of tubing not to exceed 18 inches may be left uninsulated. However, no more than 12 feet (3.66 m) of tubing can be left uninsulated in total, including the length at the smoke meter.

* * * * *

39. Section 86.1327–98 is added to subpart N to read as follows:

§ 86.1327–98 Engine dynamometer test procedures; overview.

Section 86.1327–98 includes text that specifies requirements that differ from § 86.1327–96. Where a paragraph in § 86.1327–96 is identical and applicable to § 86.1327–98, this may be indicated by specifying the corresponding paragraph and the statement ''[Reserved]. For guidance see § 86.1327–96''.

(a) through (d)(3) [Reserved]. For guidance see § 86.1327–96.

(d)(4) Additional accessories (e.g., oil cooler, alternators, air compressors, etc.) may be installed or their loading simulated if typical of the in-use application. This loading shall be parasitic in nature and, if used, shall be applied during all engine testing operations, including mapping. The accessory work performed shall not be included in the integrated work used in emissions calculations.

(d)(5) through (f) [Reserved]. For guidance see § 86.1327–96.

40. Section 86.1330–84 of subpart N is amended by revising paragraphs (b)(1), (b)(2), and (f)(1)(i) and adding paragraph (b)(5) to read as follows:

§ 86.1330–84 Test sequence; general requirements.

* * * * *

(b) * * *

(1) The temperature of the CVS dilution air shall be maintained above 68 °F (20 °C) for Otto cycle engines and between 68 °F and 86 °F (20 °C and 30 °C) for diesel cycle engines throughout the test sequence, except as permitted by § 86.1335–84.

(2) For engines with auxiliary emission control devices which sense or detect ambient air temperature and operate at 68 °F or higher, the test cell ambient air temperature and the temperature of the engine intake air shall be maintained at 77 °F ±9 °F (25 °C ±5 °C) throughout the test sequence. For engines with auxiliary emission control devices which are temperature dependent and operate at 68 °F or higher, the temperature of the engine intake air shall be maintained at 77 °F ±9 °F (25 °C ±5 °C) throughout the test sequence.

* * * * *

(5) For engines equipped with an air-to-air intercooler (or any other low temperature charge air cooling device) between the turbocharger compressor and the intake manifold, the procedure for simulating the device in the transient dynamometer test facilities shall follow the SAE Recommended Practice J1937, ''Engine Testing with Low Temperature Charge Air Cooling System in a Dynamometer Test Cell.''

* * * * *

(f) *Diesel-Fueled Engines only.* (1)(i) Air inlet restriction shall be set to a value midway between a clean filter and the maximum restriction specified by the manufacturer. The exhaust restriction normally shall be set at 80 percent of the manufacturer's recommended maximum specified exhaust restriction. The manufacturer shall be liable for emission compliance from the minimum in-use restrictions to the maximum restrictions specified by the manufacturer for that particular engine.

* * * * *

41. Section 86.1330–90 of subpart N is amended by revising paragraphs (b)(1), (b)(2), and (f)(1)(i) and adding paragraph (b)(5) to read as follows:

§ 86.1330–90 Test sequence; general requirements.

* * * * *

(b) * * *

(1) The temperature of the CVS dilution air shall be maintained at greater than 68 °F (20 °C) for Otto cycle engines and between 68 °F and 86 °F (20 °C and 30 °C) for diesel cycle engines throughout the test sequence, except as permitted by § 86.1335–84.

(2) For engines with auxiliary emission control devices which sense or detect ambient air temperature and operate at 68 °F or higher, the test cell ambient air temperature and the temperature of the engine intake air shall be maintained at 77 °F ±9 °F (25 °C ±5 °C) throughout the test sequence. For engines with auxiliary emission control devices which are temperature dependent and operate at 68 °F or higher, the temperature of the engine intake air shall be maintained at 77 °F ±9 °F (25 °C ±5 °C) throughout the test sequence.

* * * * *

(5) For engines equipped with an air-to-air intercooler (or any other low temperature charge air cooling device) between the turbocharger compressor and the intake manifold, the procedure for simulating the device in the transient dynamometer test facilities shall follow the SAE Recommended Practice J1937, ''Engine Testing with Low Temperature Charge Air Cooling System in a Dynamometer Test Cell.''

* * * * *

(f) *Petroleum-fueled and methanol-fueled diesel engines.* (1)(i) Air inlet restriction shall be set to a value midway between a clean filter and the maximum restriction specified by the manufacturer. The exhaust restriction normally shall be set at 80 percent of the manufacturer's recommended maximum specified exhaust restriction. The manufacturer shall be liable for emission compliance from the minimum in-use restrictions to the maximum restrictions specified by the manufacturer for that particular engine.

* * * * *

42. Section 86.1333–90 of subpart N is amended by revising paragraphs (c), (d) introductory text, (d)(1), (d)(2), (e)(2) and removing paragraphs (d)(3) and (d)(4) to read as follows:

§ 86.1333–90 Transient test cycle generation.

* * * * *

(c) Engine speed and torque shall be recorded at least once every second during the cold start test and hot start test. The torque and rpm feedback signals may be filtered.

(d) *Idle Speed Enhancement Devices (e.g. cold idle, alternator idle, etc.).* The zero percent speed specified in the engine dynamometer schedules (appendix I (f)(1), (f)(2), or (f)(3) to this part) shall be superseded by proper operation of the engine's idle speed enhancement device.

(1) During idle speed enhancement device operation, a manual transmission engine shall be allowed to idle at whatever speed is required to target a feedback torque equal to zero (using, for example, clutch disengagement, speed to torque control switching, software overrides, etc.) at those points in appendix I (f)(1), (f)(2), or (f)(3) to this part where both reference speed and reference torque are zero percent values. For each idle segment that is seven seconds or longer, the average feedback torque must be within ±10 ft-lbs of zero. To allow for transition, up to the first four seconds may be deleted from each idle segment calculation.

(2) During idle speed enhancement device operation, an automatic transmission engine shall be allowed to idle at whatever speed is required to target a feedback torque equal to CITT (see (e)(2) of this section for definition of CITT) at those points in appendix I (f)(1), (f)(2), or (f)(3) to this part where both reference speed and reference torque are zero percent values. For each idle segment that is seven seconds or longer, the average feedback torque must be within ±10 ft-lbs of CITT. To allow for transition, up to the first four seconds may be deleted from each idle segment calculation.

(e) * * *

(2) All zero-percent speed, zero-percent torque points (idle points) shall be modified to zero percent speed, Curb Idle Transmission Torque (CITT), except as permitted in § 86.1337–90(a)(9). Also, all points with speed equal to or less than zero percent and torque less than CITT shall be modified to CITT. Motoring torque shall remain unchanged. In order to provide a smooth torque transition, all consecutive torque points that are between 0 and CITT shall be changed to CITT if the first of these is preceded or the last of these is succeeded by idle points. The manufacturer's specified CITT shall be based upon that value observed in typical applications at the mean of the manufacturers' specified idle speed range at stabilized temperature conditions.

* * * * *

43. Section 86.1334–84 of subpart N is amended by revising paragraph (a)(2) to read as follows:

§ 86.1334–84 Pre-test engine and dynamometer preparation.

(a) * * *

(2) Following any practice runs or calibration procedures, the engine shall be cooled per § 86.1335–90.

44. Section 86.1335–90 of subpart N is revised to read as follows:

§ 86.1335–90 Cool-down procedure.

(a) This cool-down procedure applies to Otto-cycle and diesel engines.

(b) Engines may be soaked at ambient conditions. No substances or fluids may

be applied to the engine's internal or external surfaces except for water and air as prescribed in paragraphs (c) and (d) of this section.

(c) For water-cooled engines, two types of cooling are permitted:

(1) Water may be circulated through the engine's water coolant system.

(i) The coolant may be flowed in either direction and at any desired flow rate. The thermostat may be removed or blocked open during the cool-down but must be restored before the exhaust emissions test begins.

(ii) The temperature of the circulated or injected water shall be at least 10 °C (50 °F). In addition, the temperature of the cooling water shall not exceed 30 °C (86 °F) during the last 30 minutes of the cool-down.

(iii) Only water, including the use of a building's standard water supply, or the coolant type that is already in the engine (per § 86.1327–90(e)) is permitted for cool-down purposes.

(2) Flows of air may be directed at the exterior of the engine.

(i) The air shall be directed essentially uniformly over the exterior surface of the engine at any desired flow rate.

(ii) The temperature of the cooling air shall not exceed 86 °F (30 °C) during the last 30 minutes of the cool-down, but may be less than 68 °F (20 °C) at any time.

(d) For air-cooled engines, only cooling as prescribed in paragraph (c)(2) of this section is permitted.

(e)(1) The cold cycle exhaust emission test may begin after a cool-down only when the engine oil and water temperatures are stabilized between 68 °F and 86 °F (20 °C and 30 °C) for a minimum of fifteen minutes.

(i) These temperature measurements are to be made by temperature measurement devices immersed in the sump oil and in the thermostat housing or cylinder head cooling circuit, the sensor parts of which are not in contact with any engine surface.

(ii) The flow of oil and water shall be shut off during this measurement. Air flow, except as necessary to keep the cell temperature between 68 °F and 86 °F (20 °C and 30 °C), shall be shut off. No engine oil change is permitted during the test sequence.

(2) Direct cooling of engine oil through the use of oil coolers or heat exchangers is permitted. The cold cycle emission test may begin only when the requirements in paragraph (e)(1)(ii) are met.

(3) Any other means for the direct cooling of the engine oil must be approved in advance by the Administrator.

(f)(1) The cold cycle exhaust emission test for engines equipped with exhaust aftertreatment devices may begin after a cool-down only when the aftertreatment device is 77 °F ±9 °F (25 °C ±5 °C), in addition to the temperature restrictions in paragraph (e) of this section. For catalysts, this temperature must be measured at the outlet of the catalyst bed.

(2) Exhaust aftertreatment device cool-down may be accomplished in whatever manner and using whatever coolant deemed appropriate by proper engineering judgment. The aftertreatment device, engine, and exhaust piping configurations shall not be separated, altered, or moved in any way during the cool-down.

(g) For engines with auxiliary emission control devices which are temperature dependent, the cold start shall not begin until the temperature readings of the auxiliary emission control devices are stable at 77 °F ±9 °F (25 °C ±5 °C).

(h) At the completion of the cool-down all of the general requirements specified in § 86.1330, the oil temperature specification set forth in paragraph (e) of this section, and the catalyst temperature specifications in paragraph (f) of this section must be met before the cold cycle exhaust emission test may begin.

45. Section 86.1337–90 of subpart N is amended by revising paragraphs (a)(9), (a)(10)(i), (a)(10)(ii), (a)(11), (a)(13), (a)(23), and (a)(26), and by removing paragraph (a)(10)(iii), to read as follows:

§ 86.1337–90 Engine dynamometer test run.

(a) * * *

(9) As soon as it is determined that the engine is started, start a ''free idle'' timer. Allow the engine to idle freely with no-load for 24 ±1 seconds. This idle period for automatic transmission engines may be interpreted as an idle speed in neutral or park. All other idle conditions shall be interpreted as an idle speed in gear. It is permissible to lug the engine down to curb idle speed during the last 8 seconds of the free idle period for the purpose of engaging dynamometer control loops.

(10) * * *

(i) During diesel particulate sampling it must be demonstrated that the ratio of main tunnel flow to particulate sample flow does not change by more than ±5.0 percent of its set point value (except for the first 10 seconds of sampling).

Note: For double dilution operation, sample flow is the net difference between the flow rate through the sample filters and the secondary dilution air flow rate.

(ii) Record the average temperature and pressure at the gas meter(s) or flow instrumentation inlet, where needed to calculate flow. If the set flow rate cannot be maintained because of high particulate loading on the filter, the test shall be terminated. The test shall be rerun using a lower flow rate and/or a larger diameter filter.

(11) Begin the transient engine cycles such that the first non-idle record of the cycle occurs at 25 ±1 seconds. The free idle time is included in the 25 ±1 seconds.

* * * * *

(13) Immediately after the engine is turned off, turn off the engine cooling fan(s) if used, and the CVS blower (or disconnect the exhaust system from the CVS). As soon as possible, transfer the ''cold start cycle'' exhaust and dilution air bag samples to the analytical system and process the samples according to § 86.1340. A stabilized reading of the exhaust sample on all analyzers shall be obtained within 20 minutes of the end of the sample collection phase of the test. Analysis of the methanol and formaldehyde samples shall be obtained within 24 hours of the end of the sample collection period. For petroleum-fueled and methanol-fueled diesel engines, carefully remove the filter holder from the sample flow apparatus, and remove each particulate sample filter from its holder and invert the secondary filter and place it stain side to stain side on top of the primary filter. Place the filter pair in a petri dish and cover.

* * * * *

(23) Allow the engine to idle freely with no-load for 24 ±1 seconds. The provisions and interpretations of paragraph (a)(9) of this section apply.

* * * * *

(26) As soon as possible, transfer the ''hot start cycle'' exhaust and dilution air bag samples to the analytical system and process the samples according to § 86.1340. A stabilized reading of the exhaust sample on all analyzers shall be obtained within 20 minutes of the end of the sample collection phase of the test. Analyze the methanol and formaldehyde samples within 24 hours. (If it is not possible to perform analysis within 24 hours, the samples should be stored in a cold (approximately 0°C) dark environment until analysis can be performed). For petroleum-fueled and methanol-fueled diesel engines, carefully remove the assembled filter holder from the sample flow lines and remove each particulate sample filter from its holder and invert the secondary filter and place it stain side to stain side on top of the primary filter. Place the filter pairs in a clean petri dish and

cover as soon as possible. Within 1 hour after the end of the hot start phase of the test, transfer the particulate filters to the weighing chamber for post-test conditioning.

* * * * *

46. Section 86.1337–96 of subpart N is amended by revising paragraphs (a)(9), (a)(10)(i), (a)(10)(ii), (a)(11), (a)(13), (a)(23), and (a)(26), and by removing paragraph (a)(10)(iii) to read as follows:

§ 86.1337–96 Engine dynamometer test run.

(a) * * *

(9) As soon as it is determined that the engine is started, start a ''free idle'' timer. Allow the engine to idle freely with no-load for 24±1 seconds. This idle period for automatic transmission engines may be interpreted as an idle speed in neutral or park. All other idle conditions shall be interpreted as an idle speed in gear. It is permissible to lug the engine down to curb idle speed during the last 8 seconds of the free idle period for the purpose of engaging dynamometer control loops.

(10) * * *

(i) During diesel particulate sampling it must be demonstrated that the ratio of main tunnel flow to particulate sample flow does not change by more than ±5.0 percent of its set point value (except for the first 10 seconds of sampling). For double dilution operation, sample flow is the net difference between the flow rate through the sample filters and the secondary dilution air flow rate.

(ii) Record the average temperature and pressure at the gas meter(s) or flow instrumentation inlet, where needed to calculate flow. If the set flow rate cannot be maintained because of high particulate loading on the filter, the test shall be terminated. The test shall be rerun using a lower flow rate and/or a larger diameter filter.

(11) Begin the transient engine cycles such that the first non-idle record of the cycle occurs at 25±1 seconds. The free idle time is included in the 25±1 seconds.

* * * * *

(13) Immediately after the engine is turned off, turn off the engine cooling fan(s) if used, and the CVS blower (or disconnect the exhaust system from the CVS). As soon as possible, transfer the ''cold start cycle'' exhaust and dilution air bag samples to the analytical system and process the samples according to § 86.1340. A stabilized reading of the exhaust sample on all analyzers shall be obtained within 20 minutes of the end of the sample collection phase of the test. Analysis of the methanol and formaldehyde samples shall be obtained within 24 hours of the end of the sample collection period. For petroleum-fueled and methanol-fueled diesel engines, carefully remove the filter holder from the sample flow apparatus, remove each particulate sample filter from its holder and invert the secondary filter and place it stain side to stain side on top of the primary filter. Place the filter pair in a petri dish and cover.

* * * * *

(23) Allow the engine to idle freely with no-load for 24±1 seconds. The provisions and interpretations of paragraph (a)(9) of this section apply.

* * * * *

(26) As soon as possible, transfer the ''hot start cycle'' exhaust and dilution air bag samples to the analytical system and process the samples according to § 86.1340. A stabilized reading of the exhaust sample on all analyzers shall be obtained within 20 minutes of the end of the sample collection phase of the test. Analyze the methanol and formaldehyde samples within 24 hours. (If it is not possible to perform analysis within 24 hours, the samples should be stored in a cold (approximately 0 °C) dark environment until analysis can be performed). For petroleum-fueled and methanol-fueled diesel engines, carefully remove the assembled filter holder from the sample flow lines and remove each particulate sample filter from its holder and invert the secondary filter and place it stain side to stain side on top of the primary filter. Place the filter pairs in a clean petri dish and cover as soon as possible. Within 1 hour after the end of the hot start phase of the test, transfer the particulate filters to the weighing chamber for post-test conditioning.

* * * * *

47. Section 86.1338–84 of subpart N is revised to read as follows:

§ 86.1338–84 Emission measurement accuracy.

(a) *Measurement accuracy—Bag sampling.* (1) Good engineering practice dictates that exhaust emission sample analyzer readings below 15 percent of full scale chart deflection should generally not be used.

(2) Some high resolution read-out systems such as computers, data loggers, etc., can provide sufficient accuracy and resolution below 15 percent of full scale. Such systems may be used provided that additional calibrations of at least 4 non-zero nominally equally spaced points, using good engineering judgement, below 15 percent of full scale are made to ensure the accuracy of the calibration curves.

(3) The following procedure shall be followed:

(i) Span the analyzer using a calibration gas that meets the accuracy requirements of § 86.1314–84(f)(2), is within the operating range of the analyzer and at least 90% of full scale.

(ii) Generate calibration data over the full concentration range at a minimum of 6, approximately equally spaced, points (e.g. 15, 30, 45, 60, 75 and 90 percent of the range of concentrations provided by the gas divider). If a gas divider or blender is being used to calibrate the analyzer and the requirements of paragraph (a)(2) of this section are met, verify that a second calibration gas with a concentration between 10 and 20 percent of full scale can be named within 2 percent of its certified concentration. If more calibration points are needed to meet the requirements of paragraph (a)(2) of this section, continue with paragraph (a)(3)(iii) of this section.

(iii) If a gas divider or blender is being used to calibrate the analyzer, input the value of a second calibration gas (a span gas may be used for calibrating a CO_2 analyzer) having a named concentration between 10 and 20 percent of full scale. This gas shall be included on the calibration curve. Continue adding calibration points by dividing this gas until the requirements of paragraph (a)(2) of this section are met.

(iv) Fit a calibration curve per §§ 86.1321 through 86.1324 for the full scale range of the analyzer using the calibration data obtained with both calibration gases.

(b) *Measurement accuracy—Continuous sampling.* (1) Analyzers used for continuous analysis must be operated such that the measured concentration falls between 15 and 100 percent of full scale chart deflection. Exceptions to these limits are:

(i) Analyzer response less than 15 percent or more than 100 percent of full scale may be used if automatic range change circuitry is used and the limits for range changes are between 15 and 100 percent of full scale chart deflection;

(ii) Analyzer response less than 15 percent of full scale may be used if one of the following is true:

(A) Alternative (a)(2) of this section is used to ensure that the accuracy of the calibration curve is maintained below 15 percent; or

(B) The full scale value of the range is 155 ppm (C) or less.

(iii) Analyzer response over 100% of full scale may be used if it can be shown that readings in this range are accurate.

(iv) The HC and CO readings are allowed to ''spike'' above full scale of the analyzer's maximum operating range for a maximum accumulation of 5

seconds. These analyzer readings shall default to the maximum readable value during this time.

(c) If a gas divider is used, the gas divider shall conform to the accuracy requirements specified in § 86.1314–84(g), and shall be used according to the procedures contained in (a) and (b) of this section.

48. Section 86.1339–90 of subpart N is revised to read as follows:

§ 86.1339–90 Particulate filter handling and weighing.

(a) At least 1 hour before the test, place a filter pair in a closed (to eliminate dust contamination) but unsealed (to permit humidity exchange) petri dish and place in a weighing chamber meeting the specifications of § 86.1312 for stabilization.

(b) At the end of the stabilization period, weigh each filter pair on a balance having a precision of 20 micrograms and a readability of 10 micrograms. This reading is the tare weight of the filter pair and must be recorded (see § 86.1344(e)(18)).

(c) The filter pair shall then be stored in a covered petri dish or a sealed filter holder, either of which shall remain in the weighing chamber until needed for testing.

(d) If the filter pair is not used within 1 hour of its removal from the weighing chamber, it must be re-weighed before use. This limit of 1 hour may be replaced by an 8-hour limit if either of the following three conditions are met:

(1) A stabilized filter pair is placed and kept in a sealed filter holder assembly with the ends plugged; or

(2) A stabilized filter pair is placed in a sealed filter holder assembly, which is then immediately placed in a sample line through which there is no flow; or

(3) A combination of the conditions specified in paragraphs (d) (1) and (2) of this section.

(e) After the emissions test, remove the filters from the filter holder and place them face to face in a covered but unsealed petri dish. They must then be conditioned in the weighing chamber for at least one hour. The filters are then weighed as a pair. This reading is the gross weight of the filters (Pf) and must be recorded (see § 86.1344–90(e)(19)).

(f) The net particulate weight (Pf) on each filter pair is the gross weight minus the tare weight. Should the sample on the filters (exhaust or background) contact the petri dish or any other surface, the test is void and must be rerun.

(g) Static neutralizers shall be used on petri dishes in accordance with good engineering judgement.

49. Section 86.1341–90 of subpart N is amended by revising paragraphs (b), (c) and (d) and removing paragraphs (e) through (h) to read as follows:

§ 86.1341–90 Test cycle validation criteria.

(a) * * *

(b) *Brake horsepower-hour calculation.* (1) Calculate the brake horsepower-hour for each pair of engine feedback speed and torque values recorded. Also calculate the reference brake horsepower-hour for each pair of engine speed and torque reference values. Calculations shall be to five significant digits.

(2) In integrating the reference and the feedback horsepower-hour, all negative torque values shall be set equal to zero and included. If integration is performed at a frequency of less than 5 Hz, and if during a given time segment, the torque value changes from positive to negative or negative to positive, then the negative portion must be computed by linear interpolation and set equal to zero and the positive portion included. The same methodology shall be used for integrating both reference and actual brake horsepower-hour.

(c) *Regression line analysis to calculate validation statistics.* (1) Linear regressions of feedback value on reference value shall be performed for speed, torque and brake horsepower on 1 Hz data after the feedback shift has occurred (see paragraph (a) of this section). The method of least squares shall be used, with the best fit equation having the form:

$y=mx+b$

Where:

y = The feedback (actual) value of speed (rpm), torque (ft-lbs), or brake horsepower.

m = Slope of the regression line.

x = The reference value (speed, torque, or brake horsepower).

b = The y-intercept of the regression line.

(2) The standard error of estimate (SE) of y on x and the coefficient of determination (r^2) shall be calculated for each regression line.

(3) For a test to be considered valid, the criteria in Figure N90–11 must be met for both cold and hot cycles individually. Point deletions from the regression analyses are permitted where noted in Figure N90–11.

FIGURE N90–11

	Speed	Torque	BHP
Regression Line Tolerances			
Petroleum-fueled and methanol-fueled diesel engines			
Standard error of estimate (SE) of Y on X.	100 rpm	13 pct. of power map maximum engine torque	8 pct. of power map maximum BHP.
Slope of the regression line, m	0.970 to 1.030	0.83–1.03 (hot), 0.77–1.03 (cold)	0.89–1.03 (hot), 0.87–1.03 (cold).
Coefficient of determination, r^2	[1] 0.9700	[1] 0.8800 (hot), [1] 0.8500 (cold)	[1] 0.9100.
Y intercept of the regression line, b	±50 rpm	±15 ft-lb	±5.0 BHP.
Gasoline-fueled and methanol-fueled Otto-cycle engines			
Standard error of estimate (SE) of Y on X.	100 rpm	10% (hot), 11% (cold) of power map max. engine torque.	5% (hot), 6% (cold) of power map maximum BHP.
Slope of the regression line, m	0.980 to 1.020	0.92–1.03 (hot), 0.88–1.03 (cold)	0.93–1.03 (hot), 0.89–1.03 (cold).
Coefficient of determination, r^2	[1] 0.9700	[1] 0.9300 (hot), [1] 0.9000 (cold)	[1] 0.9400 (hot), [1] 0.9300 (cold).
Y intercept of the regression line, b	±25 (hot), ±40 (cold)	±4% (hot), ±5 (cold) of power map max. engine torque.	±2.0% (hot), ±2.5% (cold) of power map BHP.

[1] Minimum.

PERMITTED POINT DELETIONS FROM REGRESSION ANALYSIS

Condition	Points to be deleted
1. Wide Open Throttle and Torque Feedback < Torque Reference	Torque, and/or BHP.
2. Closed Throttle, Not an Idle Point, Torque Feedback > Torque Reference	Torque, and/or BHP.
3. Closed Throttle, Idle Point, and Torque Feedback = CITT (±10 ft-lb)	Speed, and/or BHP.

For the purposes of this discussion:

An Idle Point is defined as a point having a Normalized Reference Torque of 0 and a Normalized Reference Speed of 0 and an engine tested as having a manual transmission has a CITT of 0. Point deletion may be applied either to the whole or to any part of the cycle.

(4)(i) For petroleum-fueled and methanol-fueled diesel engines, the integrated brake horsepower-hour for each cycle (cold and hot start) shall be between −15 percent and +5 percent of the integrated brake horsepower-hour for the reference cycle, or the test is void.

(ii) For gasoline-fueled and methanol-fueled Otto-cycle engines, the integrated brake horsepower-hour of the feedback cycle shall be within 5 percent of the integrated brake horsepower-hour of the reference cycle for the cold cycle, or the test is void. The tolerance for the hot cycle shall be 4 percent.

(5) If a dynamometer test run is determined to be statistically or experimentally void, corrective action shall be taken. The engine shall then be allowed to cool (naturally or forced) and the dynamometer test rerun per § 86.1337 or be restarted at § 86.1336–84(e).

(d) For petroleum-fueled and methanol-fueled diesel engines, all reference torque values specified (in paragraph (f)(2) of appendix I to this part) as ''closed throttle'' shall be deleted from the calculation of cycle torque and power validation statistics.

50. Section 86.1341–98 is added to subpart N and reads as follows:

§ 86.1341–98 Test cycle validation criteria.

Section 86.1341–98 includes text that specifies requirements that differ from § 86.1341–90. Where a paragraph in § 86.1341–90 is identical and applicable to § 86.1341–98, this may be indicated by specifying the corresponding paragraph and the statement ''[Reserved]. For guidance see § 86.1341–90''

(a) Through (b)(2) [Reserved]. For guidance see § 86.1341–90.

(b)(3) All feedback torques due to accessory loads, either actual or simulated as defined in § 86.1327–90 (d)(4), shall be excluded from both cycle validation and the integrated work used for emissions calculations.

(4) For reference idle portions of the cycle where CITT is not applied, use measured torque values for cycle validation and the reference torque values for calculating the brake horsepower-hour value used in the emission calculations. For reference idle portions of the cycle where CITT is applied, use measured torque values for cycle validation and calculating the brake horsepower-hour value used in the emission calculations.

(c) Through (d) [Reserved]. For guidance see § 86.1341–90.

51. Section 86.1342–90 of subpart N is amended by removing paragraphs (h)(2)(i), (h)(2)(ii), (h)(2)(iii), (h)(2)(iv), (h)(2)(v), (h)(2)(vi), (h)(2)(vii) and adding paragraph (i) to read as follows:

§ 86.1342–90 Calculations; exhaust emissions.

* * * * *

(i) For dilute sampling systems which require conversion of as-measured dry concentrations to wet concentrations, the following equation shall be used for any combination of bagged, continuous, or fuel mass-approximated sample measurements (except for CO measurements made through conditioning columns, as explained in paragraph (d)(3) of this section):

Wet concentration = $K_w \times$ dry concentration.

Where:

(1)(i) For English units,

$K_w = 1 - (\alpha/200) \times CO_{2e}(') - ((1.608 \times H)/(7000 + 1.608 \times H))$

See paragraph (d)(1) of this section for α values.

(ii) For SI units,

$K_w = 1 - (\alpha/200) \times CO_{2e}(') - ((1.608 \times H)/(1000 + 1.608 \times H))$

See paragraph (d)(1) of this section for α values.

(2) $CO_{2e}(')$ = either CO_{2e} or CO_{2e}' as applicable.

(3)(i) H = Absolute humidity of the CVS dilution air, in grains (grams) of water per lb (kg) of dry air.

(ii) For English units,

$H' = [(43.478)R_i' \times P_d']/[P_B - (P_d' \times R_i'/100)]$

(iii) For SI units,

$H' = [(6.211)R_i' \times P_d']/[P_B - (P_d' \times R_i'/100)]$

(4) R_i = Relative humidity of the CVS dilution air, in percent.

(5) P_d = Saturated vapor pressure, in mm Hg (kPa) at the ambient dry bulb temperature of the CVS dilution air.

(6) P_B = Barometric pressure, mm Hg (kPa).

52. Section 86.1342–94 is amended by revising paragraphs (e) through (h) and adding paragraph (i) to read as follows:

§ 86.1342–94 Calculations; exhaust emissions.

* * * * *

(e) Through (i) [Reserved]. For guidance see § 86.1342–90.

53. Section 86.1343–88 is amended by revising the introductory text of paragraph (b), redesignating paragraphs (b)(2)(i) through (b)(2)(v) as paragraphs (b)(2)(ii) through (b)(2)(vi) respectively and by adding a new paragraph (b)(2)(i) to read as follows:

§ 86.1343–88 Calculations; particulate exhaust emissions.

* * * * *

(b) The mass of particulate for the cold-start test and the hot-start test is determined from the following equation:

* * * * *

(2)(i)(A) For a CFV–CVS: V_{mix} = Total dilute exhaust volume corrected to standard conditions (293 °K (20 °C) and 101.3 kPa (760 mm Hg)), cubic feet per test phase.

(B) For a PDP–CVS:

$$V_{mix} = V_o \times \frac{N(P_B - P_4)(528^\circ R)}{(760 mmHg)(T_p)},$$

in SI units,

$$V_{mix} = V_o \times \frac{N(P_B - P_4)(293^\circ K)}{(101.3 kPa)(T_p)},$$

Where:

* * * * *

[1] Closed throttle motoring.

[1]

53. Appendix I to part 86 is amended by revising the footnote to the table in paragraph (f)(2) to read as follows:

Appendix I to Part 86—Urban Dynamometer Schedules

* * * * *

(f)(1) * * *
(2) * * *

* * * * *

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