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Friday
March 6, 1998

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Presidential Documents

Title 3—

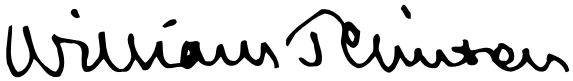
The President

Notice of March 4, 1998

Continuation of Iran Emergency

On March 15, 1995, by Executive Order 12957, I declared a national emergency with respect to Iran pursuant to the International Emergency Economic Powers Act (50 U.S.C. 1701–1706) to deal with the threat to the national security, foreign policy, and economy of the United States constituted by the actions and policies of the Government of Iran, including its support for international terrorism, efforts to undermine the Middle East peace process, and acquisition of weapons of mass destruction and the means to deliver them. On May 6, 1995, I issued Executive Order 12959 imposing more comprehensive sanctions to further respond to this threat, and on August 19, 1997, I issued Executive Order 13059 consolidating and clarifying these previous orders.

Because the actions and policies of the Government of Iran continue to threaten the national security, foreign policy, and economy of the United States, the national emergency declared on March 15, 1995, must continue in effect beyond March 15, 1998. Therefore, in accordance with section 202(d) of the National Emergencies Act (50 U.S.C. 1622(d)), I am continuing the national emergency with respect to Iran. Because the emergency declared by Executive Order 12957 constitutes an emergency separate from that declared on November 14, 1979, by Executive Order 12170, this renewal is distinct from the emergency renewal of October 1997. This notice shall be published in the **Federal Register** and transmitted to the Congress.



THE WHITE HOUSE,
March 4, 1998.

[FR Doc. 98–6063
Filed 3–5–98; 8:45 am]
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Rules and Regulations

Federal Register
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Friday, March 6, 1998

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

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

DEPARTMENT OF AGRICULTURE

Office of the Secretary

7 CFR Part 2

Revision of Delegations of Authority

AGENCY: Department of Agriculture.

ACTION: Final rule.

SUMMARY: This document revises the delegations of authority from the Secretary of Agriculture in order to reflect the Secretary's designation of the Chief Financial Officer as the Department official responsible for establishing nonprocurement debarment and suspension policy on a Department-wide basis.

EFFECTIVE DATE: Effective March 6, 1998.

FOR FURTHER INFORMATION CONTACT: Gary W. Butler, Deputy Assistant General Counsel, General Law Division, Office of the General Counsel, Department of Agriculture, Room 2321–S, Washington, DC 20250, telephone 202–720–2577.

SUPPLEMENTARY INFORMATION: On June 23, 1997, the Secretary of Agriculture decided to designate the Chief Financial Officer as the official within the Department responsible for the development, promulgation, and coordination of Department-wide policy concerning nonprocurement debarment and suspension, as contained in 7 CFR part 3017. This decision was based on the fact that the Department has adopted a decentralized arrangement for the imposition of nonprocurement debarment and suspension actions. As a consequence, the Department lacks a helmsman to guide Department policy in this important area and to coordinate the Department's interaction with other agencies with respect to government-wide policy. This delegation of authority will implement that decision. This delegation, however, does not affect which officials may serve as the ''debarring official,'' as that term is defined at 7 CFR 3017.105.

This rule relates to internal agency management. Therefore, pursuant to 5 U.S.C. 553, notice of proposed rule making and opportunity for comment are not required and good cause is found that this rule may be made effective upon publication in the **Federal Register**.

Further, since this rule relates to internal agency management, it is exempt from the provisions of Executive Orders Nos. 12866 and 12988. In addition, this action is not a rule as defined by the Regulatory Flexibility Act (5 U.S.C. 605), and thus is exempt from the provisions of that Act. Finally, this action is not a rule as defined in 5 U.S.C. 804, and thus does not require review by Congress.

List of Subjects in 7 CFR Part 2

Authority delegations (Government agencies).

PART 2—DELEGATIONS OF AUTHORITY BY THE SECRETARY OF AGRICULTURE AND GENERAL OFFICERS OF THE DEPARTMENT

Accordingly, 7 CFR part 2 is amended as follows:

1. The authority citation for part 2 continues to read as follows:

Authority: Sec. 212(a), Pub. L. 103–354, 108 Stat. 3210, 7 U.S.C. 6912(a)(1); 5 U.S.C. 301; Reorganization Plan No. 2 of 1953, 3 CFR 1949–1953 Comp., p. 1024.

Subpart D—Delegations of Authority to Other General Officers and Agency Heads

2. Section 2.28 is amended by adding a new paragraph (b)(17) that reads as follows:

§ 2.28 Chief Financial Officer.

(b) * * *

(17) Develop, promulgate, and coordinate Department-wide policy concerning nonprocurement debarment and suspension, as contained in 7 CFR part 3017.

* * * * *

Dated: February 27, 1998.

Dan Glickman,

Secretary of Agriculture.

[FR Doc. 98–5789 Filed 3–5–98; 8:45 am]

BILLING CODE 3410–01–U

DEPARTMENT OF AGRICULTURE

Commodity Credit Corporation

7 CFR Part 1496

RIN 0560–AF09

Procurement of Processed Agricultural Commodities for Donation Under Title II, Public Law 480

AGENCY: Commodity Credit Corporation, USDA.

ACTION: Final rule.

SUMMARY: This final rule clarifies the regulations governing Commodity Credit Corporation's (CCC) procedures for purchasing processed agricultural commodities for donation overseas under Title II of the Agricultural Trade Development and Assistance Act of 1954 (Pub. L. 480), and implements recent amendments to the Merchant Marine Act, 1996, regarding shipments through Great Lakes ports.

EFFECTIVE DATE: This final rule will become effective April 6, 1998.

FOR FURTHER INFORMATION CONTACT: Jeffrey Jackson, Program Manager, USDA/FSA, Procurement and Donations Division, STOP 0551, 1400 Independence Avenue, SW., Washington, DC 20250–0551; telephone (202) 720–3995.

SUPPLEMENTARY INFORMATION:

Executive Order 12866

This final rule has been determined to be significant for the purposes of Executive Order 12866 and therefore has been reviewed by the Office of Management and Budget (OMB).

Regulatory Flexibility Act

It has been determined that the Regulatory Flexibility Act is not applicable to this final rule since CCC is not required by 5 U.S.C. 553 or any other provision of law to publish a notice of rulemaking with respect to the subject matter of this rule.

Paperwork Reduction Act

The amendments to 7 CFR part 1496 set forth in this final rule do not contain additional information collections that require clearance by OMB under the provisions of 44 U.S.C. Chapter 35, OMB Control Number 0560–0177, 5 CFR part 1320.

Executive Order 12372

This final rule is not subject to the provisions of Executive Order 12372, which requires intergovernmental consultation with State and local officials. See the Notice related to 7 CFR part 3015, subpart V, published at 46 FR 29115 (June 24, 1983).

Executive Order 12988

This final rule has been reviewed under the Executive Order 12988, Civil Justice Reform. The final rule would have pre-emptive effect with respect to any State or local laws, regulations, or policies which conflict with such provisions or which otherwise impede their full implementation.

The final rule would not have retroactive effect. Administrative proceedings are not required before parties may seek judicial review.

Background

General

Pursuant to Title II of the Agricultural Trade Development and Assistance Act of 1954 (Pub. L. 480), the United States donates agricultural commodities overseas to foreign governments, intergovernmental organizations, or private relief agencies (commonly referred to as ''cooperating sponsors'') to meet famine or other relief requirements, combat malnutrition, and promote economic development. These donations are pursuant to agreements between cooperating sponsors and the Agency for International Development (AID). Commodity Credit Corporation (CCC), an agency within the Department of Agriculture, is responsible for providing the donated commodities. CCC provides the commodities either from its inventory or by purchases in the market.

Commodity Procurement

When purchasing packaged commodities for Title II, Public Law 480, CCC will solicit offers to sell on a ''free alongside ship (f.a.s.)'', or ''intermodal bridge-point'' basis. F.A.S. sale terms call for the commodity seller to deliver the commodities free alongside a vessel at a U.S. port for subsequent loading onboard an ocean going vessel. The ocean carrier takes custody of the cargo when it is in an f.a.s. position. Under intermodal sales terms, the seller delivers the commodities at a cargo handling facility or other transfer point. The ocean carrier takes custody of the cargo at the intermodal bridge-point and is responsible for moving the cargo to a U.S. port for loading on board an ocean vessel. Intermodal shipments involve the use of more than one means of conveyance, such as truck, rail, container vans, and barges. The ocean carrier may move the cargo from the intermodal-bridge-point to a port in the same conveyance as delivered, or may move the cargo from one conveyance to another at the intermodal bridge-point, such as from rail cars into container vans or barges and then transport the cargo to a port where it is loaded onto an ocean going vessel.

Under Title II, Public Law 480, either the cooperating sponsor or AID will issue an invitation for bids for the procurement of ocean transportation for the donated commodities and contract with the ocean carrier. AID pays for the freight charges incurred by it or a cooperating sponsor from funds advanced to AID by CCC.

Regulations governing the bid evaluation process for the procurement of processed agricultural commodities for Title II, Public Law 480 appear at 7 CFR part 1496. Generally, CCC evaluates offers to sell commodities for Title II, Public Law 480 on the general principle of ''lowest landed cost.'' This simply means that, in deciding which commodity sale offer to accept, CCC will consider both the price it would have to pay to acquire the commodity and the anticipated freight charges to ship the commodity to the foreign destination. By way of simplified example, if AID notifies CCC that it requires wheat flour for donation to Costa Rica, CCC will invite offers to sell flour to CCC. As a result of this solicitation, CCC receives two commodity offers—$100/mt f.a.s. New Orleans and $110/mt f.a.s. Houston. CCC will also review the available ocean freight services. If CCC receives ocean freight rate quotations of $90/mt from New Orleans and $75/mt from Houston, CCC will award the commodity sale to the party offering to deliver at Houston because that sale represents the lowest landed cost.

The ocean carriage of Title II, Public Law 480 commodities is subject to sections 901(b) and 901b of the Merchant Marine Act, 1936, 46 U.S.C. App. sections 1241(b) and 1241f, commonly referred to as the ''cargo preference laws.'' These provisions generally require that agencies administering certain export programs, including Title II, Public Law 480, must assure that at least 75 percent of such ocean shipments each year are carried on U.S.-flag vessels to the extent they are available at fair and reasonable rates. CCC will decide if the commodity purchased is to be shipped on a U.S.-flag vessel after reviewing the various lowest landed cost options indicating the most economical means to achieve cargo preference requirements. Since U.S.-flag vessel rates are, as a general matter, higher than foreign-flag vessel rates, CCC generally would use only U.S.-flag vessel rates in the lowest landed cost analysis for that portion of the cargo to be shipped on U.S.-flag vessels.

Maritime Security Act of 1996

Section 17 of the Maritime Security Act of 1996 (MSA), Public Law 104–239, amended section 901b(c) of the Merchant Marine Act, 1936 (46 App. 1241f(c)) to mandate that CCC follow certain procedures in its purchasing process for packaged commodities. Now, CCC must initially evaluate all commodity offers received in response to a particular invitation on a lowest landed cost basis without regard to the flag of the vessels offering service. Following that evaluation, ''there shall be allocated to the Great Lakes port range any cargoes for which it has the lowest landed cost under that calculation.'' (46 U.S.C. App. 1241f(c)(3)(B)). In other words, if this overall lowest landed cost evaluation demonstrates that a commodity sale offered for delivery at a Great Lakes port represents the lowest landed cost, CCC must accept that commodity sale offer. This purchasing requirement is applicable for up to 25 percent of the total annual tonnage of bagged, processed or fortified commodities furnished under Title II, Public Law 480.

On February 12, 1997, CCC published a proposed rule (62 FR 6497) regarding implementation of section 17 of the MSA. The proposed rule suggested that the applicability of section 17 of the MSA be limited to f.a.s. offers. That is, only commodity offers specifying delivery to a vessel at a Great Lakes port would be considered as a Great Lakes offer to which the purchasing requirement applied. Intermodal bridge-point offers could not be considered as a Great Lakes offer under the proposed rule. The preamble to the proposed rule explained that it was limited in this way because of difficulties in defining what would constitute an intermodal bridge-point offer at a Great Lakes port and concerns regarding both disruption of normal trade practices and discouraging vessel calls at the Great Lakes. CCC invited the public to submit written comments on the proposed rule and, on March 13, 1997, held a public hearing to promote further discussion and comment.

CCC received a total of 47 comments in response to the proposed rule. They included submissions from

representatives from Great Lakes port authorities, ports from other coastal ranges, shipping and transportation industries, vendors supplying commodities to the Public Law 480 program, other Governmental Agencies, labor unions, port city mayors, cargo handling facilities, and several Members of Congress and U.S. Senators.

Analysis of Comments

Comment: The great majority of comments (41 responses including the Maritime Administration) suggested that, by limiting the proposed rule to f.a.s. offers, CCC too narrowly construed section 17 of the MSA. They suggested that CCC should consider intermodal bridge-point offers in the Great Lakes area as an offer to deliver commodities at the Great Lakes port range although the cargoes may not be placed on board a vessel at a Great Lakes port. Some comments stated that section 17 required that intermodal offers at bridge points be considered as Great Lakes offers.

Response: CCC agrees that the term ''Great Lakes port range'' is broad enough to encompass intermodal bridge point offers. Section 17 of the MSA does not define that term. The word ''port'' need not necessarily be limited to the area where ships load cargo. In common parlance, a port may refer to a city or geographic region servicing the location where ships load.

Furthermore, the legislative history of section 17 shows a clear intent to correct a perceived negative impact on this region of the country from the cargo preference requirements. It is argued that CCC's purchase of commodities on the basis of lowest landed cost utilizing only U.S.-flag vessel rates for the purpose of economically meeting cargo preference requirements draws cargo away from Great Lakes ports. This is because currently no U.S.-flag carriers offer service at Great Lakes ports for packaged cargo. Therefore, commodity offers for delivery to Great Lakes ports are not considered at that point in the procurement process. To place Great Lakes ports on an equal footing with other coastal ranges, yet maintain cargo preference requirements, section 17 of the MSA mandates a change in our purchasing process.

Including intermodal bridge-point shipments within the scope of section 17 of the MSA, would further the goals of that legislation to counter perceived inequities of the cargo preference requirements.

Comment: Almost all the comments opposing the proposed rule stated that intermodal bridge-point offers should be included to promote their use in U.S. Government food aid programs. Commenters stated that intermodal bridge-point movements are efficient, rapid and economical. This service could benefit the food aid programs by lowering transportation costs and improving timeliness of deliveries, while securing commodities from theft, damage, and infestation.

Response: The U.S. transportation industry and shippers rely upon intermodalism as an integral and important component to transport goods efficiently. Further efficiencies may be realized from the use of intermodal bridge-point shipments. For example, containers are often transported empty when returned overseas to be packed again with imports to the United States. These containers could be returned overseas with Title II cargoes at competitive ''lowest landed cost'' rates from the Great Lakes area. CCC agrees that broadening the definition of a Great Lakes offer to include intermodal-bridge-point service will allow CCC the opportunity to select from a greater range of transportation services. Therefore, more program dollars can be spent on the procurement of agricultural commodities for food aid.

Comment: Comments suggested a functional rather than a geographical definition of ''Great Lakes port range'' to avoid arbitrary distinctions if CCC decided to include intermodal bridge-point offers in addition to f.a.s. delivery. Under this approach, to be considered as a Great Lakes port offer, comments suggested that a commodity offer must be either for delivery f.a.s. at a Great Lakes port or intermodal bridge-point at a marine cargo-handling terminal physically serving vessels and capable of loading ocean going conveyances.

Response: In the preamble to the proposed rule, CCC indicated that broadening the rule to include intermodal bridge-point offers could lead to arbitrary distinctions as to which facilities would be considered geographically as part of the Great Lakes port range. CCC agrees that this functional definition avoids this problem. CCC had considered defining a ''Great Lakes port'' as the geographical boundary of the local Port Authority. However, this approach might have eliminated certain facilities simply because they were not within those boundaries. Some facilities may be located within the confines of a Port Authority, while others may only be a few miles away. Requiring that the facility actually serve vessels will assure that the facility is not so remote from the geographic port area as to undermine the purpose of the new legislation.

Comment: One commenter stated that the intent of Section 17 was to promote vessel service in the Great Lakes and to support Great Lakes ports and labor. Therefore, intermodal bridge-point service should only be considered if ocean going vessel service is not available.

Response: CCC does not agree to adopt this approach because it could restrict competition among ocean carriers offering different types of service and result in higher costs to the program.

Comment: One port interest commented that broadening the definition of Great Lakes port to include intermodal bridge-point shipments would be detrimental to ports other than Great Lakes ports.

Response: CCC does not agree with the comment. As other port interests noted, intermodal shipments involve carriers determining the actual port of loading to an ocean going vessel. Such decisions are based upon commercial factors. The cargo that is purchased at an intermodal bridge-point will move through one of any number of coastal ports as determined by the carrier.

Comment: Some comments noted, in connection with this functional definition, that intermodal bridge-point offers may not include any handling at Great Lakes port areas. As stated above, some ocean carriers take possession of cargo at a transfer point and simply move the trains to another area closer to the port where vessels load. For example, cargo delivered at Chicago may be railed to New York and loaded into a conveyance at that terminal. Commenters stated that this type of movement should not be considered as a Great Lakes port range allocation because section 17 of the MSA is intended to eliminate any discriminatory or unfair treatment of Great Lakes ports in the administration of the Title II program and to ensure that the cargo preference laws do not negatively affect Great Lakes ports and port labor. To allow allocations where a rail car merely moves through a Great Lakes port and is handed off from commodity supplier to the ocean carrier and railed to another port for cargo handling and vessel loading would knowingly pervert the intent of Section 17.

Response: CCC agrees that Section 17 intended that Great Lakes ports derive an economic benefit from Title II commodity allocations made to the Great Lakes port range. Accordingly, the final regulation requires that cargo be handled at marine cargo-handling facilities to be considered as an intermodal bridge-point Great Lakes

offer under section 17. In this regard, the regulation will require that commodities must be moved from one transportation conveyance to another at such a facility.

Comment: Two respondents (representing one port and one port association) stated that the proposed rule is somewhat ambiguous and, regardless of intent, may be construed as a set-aside for the Great Lakes and therefore in violation of Article 1, section 9, clause 6 of the Constitution of the United States prohibiting any regulation of commerce or revenue giving a preference to the ports of one State over those of another.

Response: Any comments regarding the constitutionality of section 17 of the MSA are beyond the scope of this rulemaking.

Comment: One commodity supplier suggested that the 25 percent limit in section 17 of the MSA be administered on a monthly basis.

Response: CCC does not have the option of administering the 25 percent limitation on a monthly basis. Section 17 specifically states that a 25 percent cap applies to the total annual tonnage of processed, bagged and fortified commodities furnished under Title II, Public Law 480. CCC will monitor tonnage allocated to Great Lakes ports over the year to ensure that it does not exceed the cap.

Comment: One commenter stated that the proposed rule was deficient because it did not set out any ''reasonable requirements for financial and operational integrity'' to be applicable to vessel operators interested in carrying Title II, Pub. L. 480 cargo. Section 901b(c)(3)(C)(I) of the Merchant Marine Act, 1936, as amended by section 17 of the MSA, provides that ''[I]n awarding any contract for the transportation by vessel from the Great Lakes port range * * * each agency * * * shall consider expressions of freight interest for any vessel from a vessel operator who meets reasonable requirements for financial and operational integrity * * *.''

Response: Section 17 of the MSA does not have direct application to CCC because CCC does not award ocean transportation contracts. In any event, CCC does impose requirements with regard to financial, operational, and performance integrity of carriers submitting rate and service quotations. CCC now requires that carriers possess (1) a satisfactory performance record, (2) a satisfactory record of integrity and business ethics, (3) adequate financial resources, and (4) the ability to comply with the required delivery schedule, taking into consideration all existing commercial and governmental business commitments. We have evaluated the written comments received in response to CCC's proposed rule, along with comments recorded in the public forum held on March 13, 1997. For purposes of meeting requirements of section 17 of MSA, CCC has decided to adopt, as a final rule, a procedure to permit Great Lakes intermodal bridge-port offers at facilities capable of loading ocean going vessels as a Great Lakes port range allocation.

To properly assess the impact that section 17 of the MSA has upon the Title II program and the manner in which CCC has implemented it, a cost benefit evaluation will be made within 3 years of the effective date of this rule. Collection of data after implementation of this rule is of particular importance to the evaluation, since no ocean going service and limited intermodal service has been available in the Great Lakes for Public Law 480 shipments.

No comments were received concerning CCC's clarification of § 1496.5(b)(1) and the amendment proposed is being adopted as final without any substantive change.

List of Subjects in 7 CFR Part 1496

Agricultural commodities; Exports.

Accordingly, 7 CFR part 1496 is amended as follows:

PART 1496—PROCUREMENT OF PROCESSED AGRICULTURAL COMMODITIES FOR DONATION UNDER TITLE II, PUBLIC LAW 480

1. The authority citation for part 1496 is revised to read as follows:

Authority: 7 U.S.C. 1721–1726a; 1731–1736g–2; 46 U.S.C. App. 1241(b), and 1241(f).

2. In § 1496.5, paragraphs (b)(1) and (f) are revised to read as follows:

§ 1496.5 Consideration of bids.

* * * * *

(b)(1) *Availability of ocean service.* Prior to receipt of offers from commodity suppliers, CCC will review ocean freight information from available sources including, but not limited to, trade journal newspapers, port publications, and steamship publications to determine the availability of appropriate ocean service.

* * * * *

(f) *Great Lakes ports.* (1) Commodities offered for delivery ''free alongside ship'' (f.a.s.) Great Lakes port range or intermodal bridge-port Great Lakes port range that represent the overall (foreign and U.S. flag) lowest landed cost will be awarded on that basis. Such offers will not be reevaluated on a lowest landed cost U.S.-flag basis unless CCC determines that 25 percent of the total annual tonnage of bagged, processed or fortified commodities furnished under Title II of Public Law 480 has been, or will be, transported from the Great Lakes port range during that fiscal year.

(2) CCC will consider commodity offers as offers for delivery ''intermodal bridge-port Great Lakes port range'' only if:

(i) The offer specifies delivery at a marine cargo-handling facility that is capable of loading ocean going vessels at a Great Lakes port, as well as loading ocean going conveyances such as barges and container vans, and

(ii) The commodities will be moved from one transportation conveyance to another at such a facility.

* * * * *

Signed at Washington, DC, on February 26, 1998.

Keith Kelly,

Executive Vice President, Commodity Credit Corporation.

[FR Doc. 98–5771 Filed 3–5–98; 8:45 am]

BILLING CODE 3410–05–U

DEPARTMENT OF AGRICULTURE

Food Safety and Inspection Service

9 CFR Part 417

[Docket No. 98–003N]

Establishment Review of Product Production Records

AGENCY: Food Safety and Inspection Service, USDA.

ACTION: Notice on complying with the HACCP system regulations.

SUMMARY: The Food Safety and Inspection Service is publishing this document to provide information to owners and operators of federally inspected establishments about what actions they must take to comply with the requirement, in the hazard analysis and critical control point system regulations, to review the records associated with production of a product prior to its shipment for distribution. The regulations do not prescribe how establishments meet this requirement and, thus, are sufficiently flexible to accommodate various records' review schemes. However, establishments must determine that all critical limits were met and, when appropriate, that corrective actions were taken. Establishments must also ensure the completeness of their records before shipping the product for distribution.

FOR FURTHER INFORMATION CONTACT: Patricia F. Stolfa, Assistant Deputy Administrator, Regulations and

Inspection Methods, Food Safety and Inspection Service, Washington, DC 20250–3700; (202) 205–0699.

SUPPLEMENTARY INFORMATION: The Food Safety and Inspection Service (FSIS) administers a regulatory program under the Federal Meat Inspection Act (FMIA) (21 U.S.C. 601 *et seq.*) and the Poultry Products Inspection Act (PPIA) (21 U.S.C. 451 *et seq.*) to protect the health and welfare of consumers by preventing the distribution of livestock products and poultry products that are unwholesome, adulterated, or misbranded. To further the goal of reducing the risk of foodborne illness from meat and poultry products to the maximum extent possible, FSIS issued part 417 of the regulations, Hazard Analysis and Critical Control Point (HACCP) Systems.*

Part 417 requires federally inspected establishments to determine the food safety hazards reasonably likely to occur in the production process and to develop and implement a HACCP plan, or plans, to control these hazards (§ 417.2(a), (b), and (c)). Under part 417, establishments control food safety hazards through monitoring procedures that apply critical limits at critical control points and, when deviations occur, by taking corrective actions that restore establishment control and keep adulterated food out of commerce, as documented in records that are subject to establishment verification (§§ 417.2(c), 417.3, and 417.5).

To ensure that HACCP plans are implemented effectively and function as intended to control food safety hazards and prevent the distribution of adulterated livestock products and poultry products, part 417 also requires that establishments conduct validation and verification activities (§ 417.4(a)). Verification includes review of the records that the establishment must keep to document a HACCP plan in operation (§ 417.5(a)(3)). For a particular product, verification does not end until, in accordance with § 417.5(c), the establishment has reviewed the records associated with its production.

Paragraph (c) of § 417.5 provides that:

> Prior to shipping product, the establishment shall review the records associated with the production of that product, documented in accordance with this section, to ensure completeness, including the determination that all critical limits were met and, if appropriate, corrective actions were taken, including the proper disposition of product. Where practicable, this review shall be conducted, dated, and signed by an individual who did not produce the record(s), preferably by someone trained in accordance with § 417.7 of this part, or the responsible establishment official.

As federally inspected establishments prepare to implement HACCP plans under part 417, the Agency has received inquiries about what actions establishments must take to comply with this paragraph of the regulations. In particular, people have asked whether an establishment can satisfy the requirement for a final, records-based verification by using any procedure other than one in which a single reviewer looks at all the records for the product as it is assembled on the shipping dock and loaded for transportation from the establishment.

FSIS is publishing this notice to provide information to owners and operators of federally inspected establishments on the types of procedures that the Agency anticipates will satisfy this requirement. The essence of § 417.5(c) is to require that establishments take responsibility not only for developing and implementing HACCP plans, but also for maintaining control of products until they ensure that establishment personnel have applied those plans appropriately and effectively. FSIS has not prescribed how establishments comply, and it views the regulations as sufficiently flexible to accommodate records' review schemes in addition to the procedure described in the previous paragraph.

Establishment personnel can review production records at any point after processing and before shipment of the product, including, for example, at the end of the day of production before a product goes into on-site storage, while a product is in on-site storage, or during preparation of shipping documents before assembling product for transportation from the establishment. Consistent with the regulations, an establishment also can initiate checks for records' completeness earlier and accomplish the review in stages. For example, an establishment that slaughters and bones cattle carcasses one day and prepares ground beef the next could make one reviewer responsible for performing slaughter and boning records' review on the first day and carry the review forward to the second day, when another reviewer assumes responsibility for the remaining tasks necessary to ensure that there has been an establishment determination that all critical limits were met and, if appropriate, corrective actions were taken and that production records are otherwise complete and then signs and dates the review. In addition, establishments that maintain records on computers in accordance with § 417.5(d) may be able to accomplish much of the record checking electronically.

The crucial concern is that there be verification that establishment controls have ensured proper product disposition, so that adulterated product is not distributed. FSIS has not, at this point, ruled out the possibility that a company might operate in compliance with this regulation despite the fact that the records-based verification is being conducted when the company transfers a product from the preparation establishment to another, storage location and holds the product there, maintaining control of the product, until the company completes the review and releases the product for shipment to retail outlets. Industry members interested in instituting a records' review scheme that includes this type of feature may wish to consult with the Agency about the types of safeguards needed to ensure that product is not shipped for distribution until the required verification is performed. (In §§ 318.309(d)(1)(viii) and 381.309(d)(1)(viii), the canning and canned products' regulations address a similar situation as an exception, for which an establishment must obtain area supervisor approval, to the prohibition against shipping product from the establishments before the end of the required incubation period.) FSIS also notes that establishment compliance with part 417 requirements does not affect the applicability of section 10 of the FMIA or section 9(a) of the PPIA (21 U.S.C. 610 and 458(a)); in particular, transporting, or offering for transportation,adulterated livestock products or poultry products is prohibited.

Done at Washington, DC, on: February 27, 1998.

Thomas J. Billy,

Administrator.

[FR Doc. 98–5770 Filed 3–5–98; 8:45 am]

BILLING CODE 3410–DM–P

* Part 417 requirements will apply as of January 26, 1998, in establishments with 500 or more employees; January 25, 1999, in establishments with 10 or more but fewer than 500 employees (unless the establishment has annual sales of less than $2.5 million); and January 25, 2000, in establishments with fewer than 10 employees or annual sales of less than $2.5 million.

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 39

[Docket No. 97–NM–166–AD; Amendment 39–10370; AD 98–05–09]

RIN 2120–AA64

Airworthiness Directives; Israel Aircraft Industries (IAI), Ltd., Model 1121, 1121A, 1121B, 1123, 1124, and 1124A Series Airplanes

AGENCY: Federal Aviation Administration, DOT.

ACTION: Final rule.

SUMMARY: This amendment adopts a new airworthiness directive (AD), applicable to all IAI, Ltd., Model 1121, 1121A, 1121B, 1123, 1124, and 1124A series airplanes, that requires repetitive inspections of the trim actuator of the horizontal stabilizer to verify jackscrew integrity and to detect excessive wear of the tie rod, and replacement of the actuator or tie rod, if necessary. This amendment is prompted by issuance of mandatory continued airworthiness information by a foreign civil airworthiness authority. The actions specified by this AD are intended to ensure that the trim actuator of the horizontal stabilizer operates properly; failure of the actuator to operate properly could result in reduced controllability of the airplane.

DATES: Effective April 10, 1998.

The incorporation by reference of certain publications listed in the regulations is approved by the Director of the Federal Register as of April 10, 1998.

ADDRESSES: The service information referenced in this AD may be obtained from Galaxy Aerospace Corporation, One Galaxy Way, Fort Worth Alliance Airport, Fort Worth, Texas 76177. This information may be examined at the Federal Aviation Administration (FAA), Transport Airplane Directorate, Rules Docket, 1601 Lind Avenue, SW., Renton, Washington; or at the Office of the Federal Register, 800 North Capitol Street, NW., suite 700, Washington, DC.

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

SUPPLEMENTARY INFORMATION: A proposal to amend part 39 of the Federal Aviation Regulations (14 CFR part 39) to include an airworthiness directive (AD) that is applicable to all IAI, Ltd., Model 1121, 1121A, 1121B, 1123, 1124, and 1124A series airplanes was published in the **Federal Register** on August 11, 1997 (62 FR 42952). That action proposed to require repetitive inspections of the trim actuator of the horizontal stabilizer to verify jackscrew integrity and to detect excessive wear of the tie rod, and replacement of the actuator or tie rod, if necessary.

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

Requests to Mandate Modifications

One commenter requests that the FAA not issue this AD, but instead issue an AD to require replacement of the trim actuator of the horizontal stabilizer. This commenter notes that a modification to the jackscrew threads has been identified, which will reduce stress concentration at the thread root and would eliminate the need to conduct the inspections of the jackscrews. The commenter further notes that, since the issuance of the proposed rule, Galaxy Aerospace Corporation has issued Westwind Service Bulletins SB 1123–27–047 (for Model 1123 series airplanes) and SB 1124–27–136 (for Model 1124 and 1124A series airplanes), both dated September 1, 1997. The commenter also notes that Galaxy Aerospace Corporation is scheduled to issue Commodore Jet Service Bulletin SB 1121–27–025 (for Model 1121, 1121A, and 1121B series airplanes) in December 1997. These three service bulletins describe procedures for replacement of the trim actuators of the horizontal stabilizer with modified trim actuators containing jackscrews with modified threads. The commenter considers that accomplishment of these service bulletins provides a more effective means to resolve the safety of flight issues.

The FAA concurs partially with the commenter's request. Since the issuance of the proposed rule, Galaxy Aerospace Corporation has issued Service Bulletin SB 1121–27–025, dated December 22, 1997. The FAA agrees that replacement of the trim actuator of the horizontal stabilizer with a modified trim actuator in accordance with the procedures described in the three service bulletins referenced previously provides a more effective means to prevent failure of the trim actuator jackscrews and would eliminate the need for the repetitive inspections required by this AD. Therefore, the final rule has been revised to include the replacement of the trim actuator as an optional terminating action.

However, the FAA does not agree that this AD, which would require inspections, should be withdrawn. Rather, the FAA considers that, consistent with the actions taken by the Civil Aviation Administration of Israel (CAAI), and due to the urgency of the problem, the inspections must be performed as an interim action to ensure safe operation. Although the replacement of the trim actuator is provided as an optional terminating action in this final rule, the FAA is considering further rulemaking to require replacement of the trim actuator on all affected airplanes. The FAA notes that Israeli airworthiness directive 27–97–09–02 was issued on September 4, 1997. That airworthiness directive requires replacement of the trim actuator with a modified trim actuator in accordance with the service bulletins defined above, and specifies that the replacement of the trim actuator is terminating action for the repetitive inspections required by Israeli airworthiness directive 96–92 dated September 1, 1996, which is the Israeli airworthiness directive addressed by this AD.

Request To Not Mandate Modifications

One commenter supports the requirement of the proposed AD to perform repetitive inspections of the jack screws and tie rods of the trim actuator of the horizontal stabilizer. However, this commenter (and several others) object to any plans to mandate replacement of the trim actuators. The commenter notes that it is only aware of one cracked eye bolt that was found during inspections of the trim actuators. The commenter also notes that some of the modified trim actuators were obtained from non-operable aircraft in salvage yards, and that it believes that the trim actuator could be rebuilt to meet the specifications for much less cost than the price quoted in the service bulletins. The commenter considers that the replacement of the trim actuators is driven by money issues and not safety issues. Other commenters consider the replacement too costly. Another commenter notes that both broken jack screws were found on airplanes operated by the same flight department, and that this may not be a fleet-wide problem.

The FAA points out that this AD does not mandate replacement of the trim actuators of the horizontal stabilizer, but rather now provides for optional terminating action to replace the trim actuators. However, as stated above, the FAA is considering further rulemaking

to require replacement of the trim actuators on all affected airplanes. The FAA will consider the remarks submitted by these commenters, and will determine whether other options are available to address the identified unsafe conditions. In addition, under the provisions of paragraph (e) of this final rule, the FAA may approve requests for approval of an alternative method of compliance for the requirements of this AD, if data are submitted to substantiate that accomplishment of such actions would provide an acceptable level of safety.

Request To Include Later Revisions of the Service Information

One commenter requests that the AD be revised to include an option to inspect the jackscrews of the trim actuator in accordance with Revision 1 of the service bulletins referenced in the proposed AD. The commenter notes that the service bulletins referenced in the proposed AD have been revised to permit use of alternative sealants during reassembly following inspection.

The FAA concurs with the commenter's request, and has revised this final rule to include an option to comply with Revision 1 of the service bulletins.

Request To Change Name and Address of Service Information Source

One commenter requests that the AD be revised to change the name and address where service information can be obtained. The commenter notes that Astra Jet Corporation no longer provides support for these aircraft, and that all references to Astra Jet Corporation should be changed to ''Galaxy Aerospace Corporation.'' The commenter further notes that, effective October 13, 1997, the new address for customer service and product support for IAI products is: Galaxy Aerospace Corporation, One Galaxy Way, Fort Worth Alliance Airport, Fort Worth, Texas 76177. The FAA concurs, and has revised this final rule accordingly.

Conclusion

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

Cost Impact

The FAA estimates that 292 airplanes of U.S. registry will be affected by this AD, that it will take approximately 4 work hours per airplane to accomplish the required inspection, and that the average labor rate is $60 per work hour. Based on these figures, the cost impact of the inspection required by this AD on U.S. operators is estimated to be $70,080, or $240 per airplane.

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

Should an operator elect to accomplish the optional terminating action rather than continue the repetitive inspections, it would take approximately 4 work hours per airplane to accomplish the replacement, at an average labor rate of $60 per work hour. Required parts would cost approximately $44,350 per airplane. Based on these figures, the cost impact of this optional terminating action is estimated to be $44,590 per airplane.

Regulatory Impact

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

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

List of Subjects in 14 CFR Part 39

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

Adoption of the Amendment

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

PART 39—AIRWORTHINESS DIRECTIVES

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

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

§ 39.13 [Amended]

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

98–05–09 Israel Aircraft Industries (IAI), Ltd.: Amendment 39–10370. Docket 97–NM–166–AD.

Applicability: All Model 1121, 1121A, 1121B, 1123, 1124, and 1124A series airplanes, certificated in any category.

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

Compliance: Required as indicated, unless accomplished previously.

To ensure that the trim actuator of the horizontal stabilizer operates properly, accomplish the following:

(a) Perform an inspection of the trim actuator of the horizontal stabilizer to verify jackscrew integrity and to detect excessive wear of the tie rod, in accordance with Commodore Jet Service Bulletin SB 1121–27–023, dated August 14, 1996, or Revision 1, dated May 28, 1997 (for Model 1121,1121A, and 1121B series airplanes); Westwind Service Bulletin SB 1123–27–046, dated August 14, 1996, or Revision 1, dated May 28, 1997 (for Model 1123 series airplanes); or Westwind Service Bulletin 1124–27–133, dated August 14, 1996, or Revision 1, dated May 28, 1997 (for Model 1124 and 1124A series airplanes), as applicable; at the time specified in paragraph (a)(1) or (a)(2) of this AD, as applicable.

(1) For airplanes that have accumulated 6,000 or more total flight cycles, or on which the horizontal trim actuator has accumulated 2,000 or more flight cycles as of the effective date of this AD: Inspect within 50 flight hours after the effective date of this AD. Repeat the inspection thereafter at intervals not to exceed 300 flight hours (for Model 1121, 1121A, 1121B, and 1123 series airplanes); or 400 flight hours (for Model 1124 and 1124A series airplanes); as applicable.

(2) For airplanes that have accumulated less than 6,000 total flight cycles, and on which the horizontal trim actuator has

accumulated less than 2,000 total flight cycles as of the effective date of this AD: Inspect at the times specified in paragraph (a)(2)(i) or (a)(2)(ii) of this AD, as applicable.

(i) For Model 1121, 1121A, 1121B, and 1123 series airplanes: Inspect within 300 flight hours after the effective date of this AD. Repeat the inspection thereafter at intervals not to exceed 300 flight hours.

(ii) For Model 1124 and 1124A series airplanes: Inspect within 400 flight hours after the effective date of this AD. Repeat the inspection thereafter at intervals not to exceed 400 flight hours.

(b) If any discrepancy is found during any inspection required by paragraph (a) of this AD, prior to further flight, replace the actuator or tie rod, as applicable, in accordance with Commodore Jet Service Bulletin SB 1121–27–023, dated August 14, 1996, or Revision 1, dated May 28, 1997 (for Model 1121, 1121A, and 1121B series airplanes); Westwind Service Bulletin SB 1123–27–046, dated August 14, 1996, or Revision 1, dated May 28, 1997 (for Model 1123 series airplanes); or Westwind Service Bulletin 1124–27–133, dated August 14, 1996, or Revision 1, dated May 28, 1997 (for Model 1124 and 1124A series airplanes); as applicable.

(c) As of the effective date of this AD, no horizontal stabilizer trim actuator shall be installed on any airplane unless that trim actuator has been inspected in accordance with the requirements of paragraph (a) of this AD.

(d) Replacement of the trim actuator of the horizontal stabilizer with a modified trim actuator with modified jackscrew assemblies in accordance with Commodore Jet Service Bulletin SB 1121–27–025, dated December 22, 1997 (for Model 1121, 1121A, and 1121B series airplanes); Westwind Service Bulletin SB 1123–27–047, dated September 1, 1997 (for Model 1123 series airplanes); or Westwind Service Bulletin 1124–27–136, dated September 1, 1997 (for Model 1124 and 1124A series airplanes), as applicable; constitutes terminating action for the requirements of this AD.

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

Note 2: Information concerning the existence of approved alternative methods of compliance with this AD, if any, may be obtained from the International Branch, ANM–116.

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

(g) The actions shall be done in accordance with the following service bulletins, which contain the specified effective pages:

Service bulletin referenced and date	Page number shown on page	Revision level shown on page	Date shown on page
Westwind, SB 1124–27–133, August 14, 1996	1–6	Original	Aug. 14, 1996.
Westwind, SB 1124–27–133, Revision 1, May 28, 1997	1–4	1	May 28, 1997.
	5, 6	Original	Aug. 14, 1996.
Westwind, SB 1123–27–046, August 14, 1996	1–6	Original	Aug. 14, 1996.
Westwind, SB 1124–27–046, Revision 1, May 28, 1997	1–4	1	May 28, 1997.
	5, 6	Original	Aug. 14, 1996.
Westwind, SB 1124–27–136, September 1, 1997	1–3	Original	Sept. 1, 1997.
Westwind, SB 1123–27–047, September 1, 1997	1–3	Original	Sept. 1, 1997.
Commodore Jet, SB 1121–27–025, December 22, 1997	1–3	Original	Dec. 22, 1997.
Commodore Jet, SB 1121–27–023, August 14, 1996	1–6	Original	Aug. 14, 1996.
Commodore Jet, SB 1121–27–023, Revision 1, May 28, 1997	1–4	1	May 28, 1997.
	5, 6	Original	Aug. 14, 1996.

This incorporation by reference was approved by the Director of the Federal Register in accordance with 5 U.S.C. 552(a) and 1 CFR part 51. Copies may be obtained from Galaxy Aerospace Corporation, One Galaxy Way, Fort Worth Alliance Airport, Fort Worth, Texas 76177. Copies may be inspected at the FAA, Transport Airplane Directorate, 1601 Lind Avenue, SW., Renton, Washington; or at the Office of the Federal Register, 800 North Capitol Street, NW., suite 700, Washington, DC.

Note 3: The subject of this AD is addressed in Israeli airworthiness directive 96–92, dated September 1, 1996.

(h) This amendment becomes effective on April 10, 1998.

Issued in Renton, Washington, on February 24, 1998.

Darrell M. Pederson,

Acting Manager, Transport Airplane Directorate, Aircraft Certification Service.

[FR Doc. 98–5348 Filed 3–5–98; 8:45 am]

BILLING CODE 4910–13–U

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 39

[Docket No. 97–NM–328–AD; Amendment 39–10372; AD 98–05–11]

RIN 2120–AA64

Airworthiness Directives; Bombardier Model CL–215–6B11 (CL–215T) Series Airplanes

AGENCY: Federal Aviation Administration, DOT.

ACTION: Final rule; request for comments.

SUMMARY: This amendment adopts a new airworthiness directive (AD), applicable to all Bombardier Model CL–215–6B11 (CL–215T) series airplanes. This action requires either replacement of the switching valve-to-rear inlet case sealing air tube assembly with a tube assembly that includes an integral fire detector (intercompressor case [ICC] fire detector loop), and modification of the nacelle fire detection system; or modification of the No. 5 bearing air system. This amendment is prompted by the issuance of mandatory continuing airworthiness information by a foreign civil airworthiness authority. The actions specified in this AD are intended to detect internal engine fire within the ICC; or to prevent air/oil from leaking into the ICC, which could result in such fire.

DATES: Effective March 23, 1998.

The incorporation by reference of certain publications listed in the regulations is approved by the Director of the Federal Register as of March 23, 1998.

Comments for inclusion in the Rules Docket must be received on or before April 6, 1998.

ADDRESSES: Submit comments in triplicate to the Federal Aviation Administration (FAA), Transport Airplane Directorate, ANM–114, Attention: Rules Docket No. 97–NM–328–AD, 1601 Lind Avenue, SW., Renton, Washington 98055–4056.

The service information referenced in this AD may be obtained from Bombardier, Inc., Canadair, Aerospace Group, P.O. Box 6087, Station Centreville, Montreal, Quebec H3C 3G9, Canada; and Pratt & Whitney, 400 Main Street, East Hartford, Connecticut 06108. This information may be examined at the FAA, Transport Airplane Directorate, 1601 Lind Avenue, SW., Renton, Washington; or at the FAA, Engine and Propeller Directorate, New York Aircraft Certification Office (ACO), 10 Fifth Street, Third Floor, Valley Stream, New York; or at the Office of the Federal Register, 800 North Capitol Street, NW., suite 700, Washington, DC.

FOR FURTHER INFORMATION CONTACT: James E. Delisio, Aerospace Engineer, Airframe and Propulsion Branch, ANE–171, FAA, Engine and Propeller Directorate, New York ACO, 10 Fifth Street, Third Floor, Valley Stream, New York, 11581–1200; telephone (516) 256–7521; fax (516) 568–2716.

SUPPLEMENTARY INFORMATION: Transport Canada Aviation (TCA), which is the airworthiness authority for Canada, notified the FAA that an unsafe condition may exist on all Bombardier Model CL–215–6B11 (CL–215T) series airplanes. TCA advises that it has received reports of five incidents of internal engine fire that had penetrated the intercompressor case (ICC) and required extinguishing by the flight crew. Investigation revealed failures of the No. 5 engine bearing, which could cause oil leakage or reverse flow of air or oil into the ICC. This condition, if not corrected, could result in internal engine fire within the ICC.

Explanation of Relevant Service Information

Pratt & Whitney Canada has issued Service Bulletin PW100–72–21113, Revision 1, dated May 4, 1992, which describes procedures for replacement of the switching valve-to-rear inlet case sealing air tube assembly with a tube assembly that includes an integral fire detector (ICC fire detector loop).

Canadair has issued Alert Service Bulletin 215–A3030, Revision 1, dated April 16, 1992, which describes procedures for installation of an ICC fire detector loop (as described above) and modification of the nacelle fire detection system.

Pratt & Whitney Canada also has issued Service Bulletin PW100–72–21211, Revision 4, dated April 20, 1995, which describes procedures for a modification of the No. 5 bearing air system that will minimize the risk of internal engine fire.

Accomplishment of the actions specified in these service bulletins is intended to adequately address the identified unsafe condition. TCA classified the service bulletins as mandatory and issued Canadian airworthiness directive CF–92–10R1, dated January 24, 1995, in order to assure the continued airworthiness of these airplanes in Canada.

FAA's Conclusions

This airplane model is manufactured in Canada and is type certificated for operation in the United States under the provisions of section 21.29 of the Federal Aviation Regulations (14 CFR 21.19) and the applicable bilateral airworthiness agreement. Pursuant to this bilateral airworthiness agreement, TCA has kept the FAA informed of the situation described above. The FAA has examined the findings of TCA, reviewed all available information, and determined that AD action is necessary for products of this type design that are certificated for operation in the United States.

Explanation of Requirements of the Rule

Since an unsafe condition has been identified that is likely to exist or develop on other airplanes of the same type design registered in the United States, this AD is being issued to require the actions to be accomplished as specified in the service bulletins described previously.

Cost Impact

None of the airplanes affected by this action are on the U.S. Register. All airplanes included in the applicability of this rule currently are operated by non-U.S. operators under foreign registry; therefore, they are not directly affected by this AD action. However, the FAA considers that this rule is necessary to ensure that the unsafe condition is addressed in the event that any of these subject airplanes are imported and placed on the U.S. Register in the future. In that event, the following cost estimates are provided.

It would require approximately 9 work hours to accomplish the required incorporation of the engine fire detection loop, at an average labor rate of $60 per work hour. Required parts would cost approximately $985. Based on these figures, the cost impact of this action would be $1,525 per airplane.

It would require approximately 45 work hours to accomplish the required modification of the No. 5 bearing air system, at an average labor rate of $60 per work hour. Required parts would cost approximately $225,000. Based on these figures, the cost impact of this action would be $227,700 per airplane.

Determination of Rule's Effective Date

Since this AD action does not affect any airplane that is currently on the U.S. Register, it has no adverse economic impact and imposes no additional burden on any person. Therefore, prior notice and public procedures hereon are unnecessary and the amendment may be made effective in less than 30 days after publication in the **Federal Register**.

Comments Invited

Although this action is in the form of a final rule and was not preceded by notice and opportunity for public comment, comments are invited on this rule. Interested persons are invited to comment on this rule by submitting such written data, views, or arguments as they may desire. Communications shall identify the Rules Docket number and be submitted in triplicate to the address specified under the caption **ADDRESSES**. All communications received on or before the closing date for comments will be considered, and this rule may be amended in light of the comments received. Factual information that supports the commenter's ideas and suggestions is extremely helpful in evaluating the effectiveness of the AD action and determining whether additional rulemaking action would be needed.

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

Commenters wishing the FAA to acknowledge receipt of their comments submitted in response to this rule must submit a self-addressed, stamped postcard on which the following statement is made: ''Comments to Docket Number 97–NM–328–AD.'' The postcard will be date stamped and returned to the commenter.

Regulatory Impact

The regulations adopted herein will not have substantial direct effects on the States, on the relationship between the national government and the States, or on the distribution of power and responsibilities among the various levels of government. Therefore, in accordance with Executive Order 12612,

it is determined that this final rule does not have sufficient federalism implications to warrant the preparation of a Federalism Assessment.

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

List of Subjects in 14 CFR Part 39

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

Adoption of the Amendment

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

PART 39—AIRWORTHINESS DIRECTIVES

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

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

§ 39.13 [Amended]

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

98–05–11 Bombardier, Inc. [Formerly Canadair]: Amendment 39–10372. Docket 97–NM–328–AD.

Applicability: All Model CL–215–6B11 (CL–215T) series airplanes, certificated in any category.

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

Compliance: Required as indicated, unless accomplished previously.

To detect internal engine fire within the intercompressor case (ICC); or to prevent air/oil from leaking into the ICC, which could result in such fire; accomplish the following:

(a) Within 30 days after the effective date of this AD, accomplish either paragraph (a)(1) or (a)(2) of this AD.

(1) Replace the switching valve-to-rear inlet case sealing air tube assembly with a tube assembly that includes an integral fire detector (ICC fire detector loop), in accordance with Pratt & Whitney Canada Service Bulletin PW100–72–21113, Revision 1, dated May 4, 1992; and modify the nacelle fire detection system in accordance with Canadair Alert Service Bulletin 215–A3030, Revision 1, dated April 16, 1992, or

(2) Modify the No. 5 bearing air system in accordance with Pratt & Whitney Canada Service Bulletin PW100–72–21211, Revision 4, dated April 20, 1995.

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

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

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

(d) The actions shall be done in accordance with Canadair Alert Service Bulletin 215–A3030, Revision 1, dated April 16, 1992; Pratt & Whitney Canada Service Bulletin PW100–72–21113, Revision 1, dated May 4, 1992; and Pratt & Whitney Canada Service Bulletin PW100–72–21211, Revision 4, dated April 20, 1995. This incorporation by reference was approved by the Director of the Federal Register in accordance with 5 U.S.C. 552(a) and 1 CFR part 51. Copies may be obtained from Bombardier, Inc., Canadair, Aerospace Group, P.O. Box 6087, Station Centreville, Montreal, Quebec H3C 3G9, Canada; and Pratt & Whitney, 400 Main Street, East Hartford, Connecticut 06108. Copies may be inspected at the FAA, Transport Airplane Directorate, 1601 Lind Avenue, SW., Renton, Washington; or at the FAA, Engine and Propeller Directorate, New York ACO, 10 Fifth Street, Third Floor, Valley Stream, New York; or at the Office of the Federal Register, 800 North Capitol Street, NW., suite 700, Washington, DC.

Note 3: The subject of this AD is addressed in Canadian airworthiness directive CF–92–10R1, dated January 24, 1995.

(e) This amendment becomes effective on March 23, 1998.

Issued in Renton, Washington, on February 24, 1998.

Darrell M. Pederson,

Acting Manager, Transport Airplane Directorate, Aircraft Certification Service.

[FR Doc. 98–5347 Filed 3–5–98; 8:45 am]

BILLING CODE 4910–13–U

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 39

[Docket No. 97–NM–103–AD; Amendment 39–10369; AD 98–05–08]

RIN 2120–AA64

Airworthiness Directives; Dornier Model 328–100 Series Airplanes

AGENCY: Federal Aviation Administration, DOT.

ACTION: Final rule.

SUMMARY: This amendment adopts a new airworthiness directive (AD), applicable to certain Dornier Model 328–100 series airplanes, that requires replacement of electrical relays 15KF and 16KF, which control the auxiliary propeller control feathering system, with relays having increased load capacity. This amendment is prompted by issuance of mandatory continuing airworthiness information by a foreign civil airworthiness authority. The actions specified by this AD are intended to prevent failure of the auxiliary propeller control feathering system, which, in the event of an engine failure combined with failure of the primary propeller pitch control, could result in the inability to feather the propeller, and consequent reduced controllability of the airplane.

DATES: Effective April 10, 1998.

The incorporation by reference of certain publications listed in the regulations is approved by the Director of the Federal Register as of April 10, 1998.

ADDRESSES: The service information referenced in this AD may be obtained from Fairchild Dornier, Dornier Luftfahrt GmbH, P.O. Box 1103, D–82230 Wessling, Germany. This information may be examined at the Federal Aviation Administration (FAA), Transport Airplane Directorate, Rules Docket, 1601 Lind Avenue, SW., Renton, Washington; or at the Office of the Federal Register, 800 North Capitol Street, NW., suite 700, Washington, DC.

FOR FURTHER INFORMATION CONTACT: Norman B. Martenson, Manager, International Branch, ANM–116, FAA, Transport Airplane Directorate, 1601

Lind Avenue, SW., Renton, Washington 98055–4056; telephone (425) 227–2110; fax (425) 227–1149.

SUPPLEMENTARY INFORMATION: A proposal to amend part 39 of the Federal Aviation Regulations (14 CFR part 39) to include an airworthiness directive (AD) that is applicable to certain Dornier Model 328–100 series airplanes was published in the **Federal Register** on December 11, 1997 (62 FR 65228). That action proposed to require replacement of electrical relays 15KF and 16KF, which control the auxiliary propeller control feathering system, with relays having increased load capacity.

Comments

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

The commenter supports the proposed rule.

Conclusion

After careful review of the available data, including the comment noted above, the FAA has determined that air safety and the public interest require the adoption of the rule as proposed.

Cost Impact

The FAA estimates that 38 airplanes of U.S. registry will be affected by this AD, that it will take approximately 1 work hour per airplane to accomplish the required actions, and that the average labor rate is $60 per work hour. Required parts will be provided by the manufacturer at no cost to operators. Based on these figures, the cost impact of the AD on U.S. operators is estimated to be $2,280, or $60 per airplane.

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

Regulatory Impact

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

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

List of Subjects in 14 CFR Part 39

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

Adoption of the Amendment

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

PART 39—AIRWORTHINESS DIRECTIVES

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

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

§ 39.13 [Amended]

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

98–05–08 Dornier: Amendment 39–10369. Docket 97–NM–103–AD.

Applicability: Model 328–100 series airplanes having serial numbers 3005 through 3063 inclusive, certificated in any category.

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

Compliance: Required as indicated, unless accomplished previously.

To prevent failure of the auxiliary propeller control feathering system, which, in the event of an engine failure combined with failure of the primary propeller pitch control, could result in the inability to feather the propeller, and consequent reduced controllability of the airplane; accomplish the following:

(a) Within 90 days after the effective date of this AD, replace electrical relays 15KF and 16KF having part number (P/N) DON405M520U5NL with relays having P/N 2504MY1, in accordance with Dornier Service Bulletin SB–328–61–138, dated November 13, 1995.

(b) As of the effective date of this AD, no person shall install relays 15KF and 16KF having P/N DON405M520U5NL on any airplane.

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

Note 2: Information concerning the existence of approved alternative methods of compliance with this AD, if any, may be obtained from the International Branch, ANM–116.

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

(e) The replacement shall be done in accordance with Dornier Service Bulletin SB–328–61–138, dated November 13, 1995. This incorporation by reference was approved by the Director of the Federal Register in accordance with 5 U.S.C. 552(a) and 1 CFR part 51. Copies may be obtained from Fairchild Dornier, Dornier Luftfahrt GmbH, P.O. Box 1103, D–82230 Wessling, Germany. Copies may be inspected at the FAA, Transport Airplane Directorate, 1601 Lind Avenue, SW., Renton, Washington; or at the Office of the Federal Register, 800 North Capitol Street, NW., suite 700, Washington, DC.

Note 3: The subject of this AD is addressed in German airworthiness directive 96–002, dated January 8, 1996.

(f) This amendment becomes effective on April 10, 1998.

Issued in Renton, Washington, on February 24, 1998.

Darrell M. Pederson,

Acting Manager, Transport Airplane Directorate, Aircraft Certification Service.

[FR Doc. 98–5346 Filed 3–5–98; 8:45 am]

BILLING CODE 4910–13–P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 39

[Docket No. 97–NM–143–AD; Amendment 39–10368; AD 98–05–07]

RIN 2120–AA64

Airworthiness Directives; British Aerospace (Jetstream) Model 4101 Airplanes

AGENCY: Federal Aviation Administration, DOT.

ACTION: Final rule.

SUMMARY: This amendment adopts a new airworthiness directive (AD), applicable to certain British Aerospace (Jetstream) Model 4101 airplanes, that requires replacement of the stringer joint pieces at the left side of the fuselage with new, improved parts. This amendment is prompted by issuance of mandatory continuing airworthiness information by a foreign civil airworthiness authority. The actions specified by this AD are intended to prevent the fuselage structure at the stringer joint at station 130 on the left side of the airplane from cracking, which could result in rapid decompression of the airplane at the forward fuselage area.

DATES: Effective April 10, 1998.

The incorporation by reference of certain publications listed in the regulations is approved by the Director of the Federal Register as of April 10, 1998.

ADDRESSES: The service information referenced in this AD may be obtained from AI(R) American Support, Inc., 13850 Mclearen Road, Herndon, Virginia 20171. This information may be examined at the Federal Aviation Administration (FAA), Transport Airplane Directorate, Rules Docket, 1601 Lind Avenue, SW., Renton, Washington; or at the Office of the Federal Register, 800 North Capitol Street, NW., suite 700, Washington, DC.

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

SUPPLEMENTARY INFORMATION: A proposal to amend part 39 of the Federal Aviation Regulations (14 CFR part 39) to include an airworthiness directive (AD) that is applicable to certain British Aerospace (Jetstream) Model 4101 airplanes was published in the **Federal Register** on December 24, 1997 (62 FR 67303). That action proposed to require replacement of the stringer joint pieces at the left side of the fuselage with new, improved parts.

Comments

Interested persons have been afforded an opportunity to participate in the making of this amendment. No comments were submitted in response to the proposal or the FAA's determination of the cost to the public.

Conclusion

The FAA has determined that air safety and the public interest require the adoption of the rule as proposed.

Cost Impact

The FAA estimates that 10 British Aerospace (Jetstream) Model 4101 airplanes of U.S. registry will be affected by this AD, that it will take approximately 70 work hours per airplane to accomplish the required actions, and that the average labor rate is $60 per work hour. Required parts will be provided by the manufacturer at no cost to operators. Based on these figures, the cost impact of the AD on U.S. operators is estimated to be $42,000, or $4,200 per airplane.

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

Regulatory Impact

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

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

List of Subjects in 14 CFR Part 39

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

Adoption of the Amendment

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

PART 39—AIRWORTHINESS DIRECTIVES

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

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

§ 39.13 [Amended]

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

98–05–07 British Aerospace Regional Aircraft [Formerly Jetstream Aircraft Limited; British Aerospace (Commercial Aircraft) Limited]: Amendment 39–10368. Docket 97–NM–143–AD.

Applicability: Model 4101 airplanes, constructors numbers 41081 through 41091 inclusive, certificated in any category.

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

Compliance: Required as indicated, unless accomplished previously.

To prevent the fuselage structure at the stringer joint at station 130 on the left side of the airplane from cracking, which could result in rapid decompression of the airplane at the forward fuselage area, accomplish the following:

(a) Within 6,000 flight hours after the effective date of this AD, replace the stringer joint pieces at four positions at station 130 on the left side of the airplane with new, improved parts in accordance with the Accomplishment Instructions of Jetstream Service Bulletin J41–53–039, dated August 22, 1996.

(b) An alternative method of compliance or adjustment of the compliance time that provides an acceptable level of safety may be used if approved by the Manager, International Branch, ANM–116, FAA,

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

Note 2: Information concerning the existence of approved alternative methods of compliance with this AD, if any, may be obtained from the International Branch, ANM–116.

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

(d) The actions shall be done in accordance with Jetstream Service Bulletin J41–53–039, dated August 22, 1996. This incorporation by reference was approved by the Director of the Federal Register in accordance with 5 U.S.C. 552(a) and 1 CFR part 51. Copies may be obtained from AI(R) American Support, Inc., 13850 Mclearen Road, Herndon, Virginia 20171. Copies may be inspected at the FAA, Transport Airplane Directorate, 1601 Lind Avenue, SW., Renton, Washington; or at the Office of the Federal Register, 800 North Capitol Street, NW., suite 700, Washington, DC.

Note 3: The subject of this AD is addressed in British airworthiness directive 005–08–96.

(e) This amendment becomes effective on April 10, 1998.

Issued in Renton, Washington, on February 24, 1998.

Darrell M. Pederson,

Acting Manager, Transport Airplane Directorate, Aircraft Certification Service.

[FR Doc. 98–5345 Filed 3–5–98; 8:45 am]

BILLING CODE 4910–13–P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 39

[Docket No. 97–NM–205–AD; Amendment 39–10374; AD 98–05–13]

RIN 2120–AA64

Airworthiness Directives; Airbus Model A310 and A300–600 Series Airplanes

AGENCY: Federal Aviation Administration, DOT.

ACTION: Final rule.

SUMMARY: This amendment adopts a new airworthiness directive (AD), applicable to all Airbus Model A310 and A300–600 series airplanes, that requires a one-time visual inspection to determine the accuracy of the outer placards of the static ports. This amendment also requires a one-time inspection to detect crossed connections of the air data static system and the static probe heating system, and correction of any discrepancies. This amendment is prompted by issuance of mandatory continuing airworthiness information by a foreign civil airworthiness authority. The actions specified by this AD are intended to prevent erroneous display of altitude information to the flight crew, and consequent reduced operational safety during all phases of flight.

DATES: Effective April 10, 1998.

The incorporation by reference of certain publications listed in the regulations is approved by the Director of the Federal Register as of April 10, 1998.

ADDRESSES: The service information referenced in this AD may be obtained from Airbus Industrie, 1 Rond Point Maurice Bellonte, 31707 Blagnac Cedex, France. This information may be examined at the Federal Aviation Administration (FAA), Transport Airplane Directorate, Rules Docket, 1601 Lind Avenue, SW., Renton, Washington; or at the Office of the Federal Register, 800 North Capitol Street, NW., suite 700, Washington, DC.

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

SUPPLEMENTARY INFORMATION: A proposal to amend part 39 of the Federal Aviation Regulations (14 CFR part 39) to include an airworthiness directive (AD) that is applicable to all Airbus Model A310 and A300–600 series airplanes was published in the **Federal Register** on November 6, 1997 (62 FR 60049). That action proposed to require a one-time visual inspection to determine the accuracy of the outer placards of the static ports. That action also proposed to require a one-time inspection to detect crossed connections of the air data static system and the static probe heating system, and correction of any discrepancies.

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

Support for the Proposal

One commenter supports the proposed rule.

Request for Change of Applicability

One commenter requests that the applicability of the AD be revised to exclude airplanes manufactured after the issuance of Airbus All Operators Telex (AOT) 34–04, dated July 16, 1996. The commenter states that, since the issuance of that AOT, the manufacturer has corrected assembly line faults that had resulted in the cross-connection of static lines and probe heat wiring (which is the unsafe condition identified in this AD).

The FAA does not concur that the applicability should be changed. The FAA finds that, based on information provided by the manufacturer, there is no available production modification that is equivalent to the procedures specified in the AOT (which is the appropriate source of service information for accomplishment of the requirements of this AD). However, the FAA has verified that the manufacturer performs and documents the AOT-specified inspections prior to delivery. Therefore, by means of the phrase, ''Required as indicated, unless accomplished previously'' in the Compliance section of this AD, operators are credited for work already performed; airplanes having delivery records that document accomplishment of the AOT are not subject to the requirements of this AD. The FAA has determined that, in light of the severity of the unsafe condition and the minimal burden on operators, the applicability of this AD should remain unchanged in order to ensure compliance.

Conclusion

After careful review of the available data, including the comments noted above, the FAA has determined that air safety and the public interest require the adoption of the rule as proposed.

Cost Impact

The FAA estimates that 94 airplanes of U.S. registry will be affected by this AD, that it will take approximately 5 work hours per airplane to accomplish the required actions, and that the average labor rate is $60 per work hour. Based on these figures, the cost impact of the AD on U.S. operators is estimated to be $28,200, or $300 per airplane.

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

Regulatory Impact

The regulations adopted herein will not have substantial direct effects on the States, on the relationship between the national government and the States, or on the distribution of power and responsibilities among the various levels of government. Therefore, in accordance with Executive Order 12612,

it is determined that this final rule does not have sufficient federalism implications to warrant the preparation of a Federalism Assessment.

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

List of Subjects in 14 CFR Part 39

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

Adoption of the Amendment

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

PART 39—AIRWORTHINESS DIRECTIVES

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

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

§ 39.13 [Amended]

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

98–05–13 Airbus: Amendment 39–10374. Docket 97–NM–205–AD.

Applicability: All Model A310 and A300–600 series airplanes, certificated in any category.

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

Compliance: Required as indicated, unless accomplished previously.

To prevent erroneous display of altitude information to the flight crew, and consequent reduced operational safety during all phases of flight, accomplish the following:

(a) Within 600 flight hours after the effective date of this AD, perform a one-time visual inspection of the outer placards of the static ports to determine that the identification of the static port corresponds with the specified position on the aircraft, in accordance with Airbus All Operators Telex (AOT) 34–04, dated July 16, 1996.

(b) Within 600 flight hours after the effective date of this AD, perform a one-time visual inspection of the pneumatic connections of the captain, first officer, and standby air data static systems to detect cross-connected tubing, and conduct an operational check of each of the static probe heating systems to detect cross-connected wiring, in accordance with Airbus AOT 34–04, dated July 16, 1996.

(c) If any discrepancy is found, prior to further flight, correct the discrepancy in accordance with Airbus AOT 34–04, dated July 16, 1996.

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

Note 2: Information concerning the existence of approved alternative methods of compliance with this AD, if any, may be obtained from the International Branch, ANM–116.

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

(f) The actions shall be done in accordance with Airbus All Operators Telex 34–04, dated July 16, 1996. This incorporation by reference was approved by the Director of the Federal Register in accordance with 5 U.S.C. 552(a) and 1 CFR part 51. Copies may be obtained from Airbus Industrie, 1 Rond Point Maurice Bellonte, 31707 Blagnac Cedex, France. Copies may be inspected at the FAA, Transport Airplane Directorate, 1601 Lind Avenue, SW., Renton, Washington; or at the Office of the Federal Register, 800 North Capitol Street, NW., suite 700, Washington, DC.

Note 3: The subject of this AD is addressed in French airworthiness directive 97–098–216(B), dated March 26, 1997.

(g) This amendment becomes effective on April 10, 1998.

Issued in Renton, Washington, on February 25, 1998.

Darrell M. Pederson,

Acting Manager, Transport Airplane Directorate, Aircraft Certification Service.

[FR Doc. 98–5481 Filed 3–5–98; 8:45 am]

BILLING CODE 4910–13–U

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 39

[Docket No. 96–NM–196–AD; Amendment 39–10377; AD 98–05–16]

RIN 2120–AA64

Airworthiness Directives; Raytheon Model DH 125–1A and –3A Series Airplanes

AGENCY: Federal Aviation Administration, DOT.

ACTION: Final rule.

SUMMARY: This amendment adopts a new airworthiness directive (AD), applicable to certain Raytheon Model DH 125–1A and –3A series airplanes, that requires repetitive eddy current inspections to detect fatigue cracking of the main entry door/frame pressing, and repair, if necessary. This amendment is prompted by reports of fatigue cracking of the main entry door/frame pressing due to cyclic loading of the door frame. The actions specified by this AD are intended to detect and correct such fatigue cracking, which could lead to the loss of structural integrity of the main entry door, and, consequently, result in decompression of the cabin.

DATES: Effective April 10, 1998. The incorporation by reference of certain publications listed in the regulations is approved by the Director of the Federal Register as of April 10, 1998.

ADDRESSES: The service information referenced in this AD may be obtained from Raytheon Aircraft Company, Technical Services—Beech, Hawker Customer Support Department, P.O. Box 85, Wichita, Kansas 67201–0085. This information may be examined at the Federal Aviation Administration (FAA), Transport Airplane Directorate, Rules Docket, 1601 Lind Avenue, SW., Renton, Washington; or at the FAA, Small Airplane Directorate, Wichita Aircraft Certification Office, 1801 Airport Road, Room 100, Mid-Continent Airport, Wichita, Kansas; or at the Office of the Federal Register, 800 North Capitol Street, NW., suite 700, Washington, DC.

FOR FURTHER INFORMATION CONTACT: Larry Engler, Aerospace Engineer, Airframe Branch, ACE–118W, FAA, Wichita Aircraft Certification Office, Small Airplane Directorate, 1801 Airport Road, Room 100, Mid-Continent Airport, Wichita, Kansas 67209; telephone (316) 946–4122; fax (316) 946–4407.

SUPPLEMENTARY INFORMATION: A proposal to amend part 39 of the Federal

Aviation Regulations (14 CFR part 39) to include an airworthiness directive (AD) that is applicable to certain Raytheon Model DH 125–1A and –3A series airplanes was published in the **Federal Register** on February 26, 1997 (62 FR 8646). That action proposed to require repetitive eddy current inspections to detect fatigue cracking of the main entry door/frame pressing, and repair, if necessary.

Comments

Interested persons have been afforded an opportunity to participate in the making of this amendment. No comments were submitted in response to the proposal or the FAA's determination of the cost to the public.

Conclusion

The FAA has determined that air safety and the public interest require the adoption of the rule as proposed.

Cost Impact

There are approximately 143 Raytheon Model DH 125 series airplanes of the affected design in the worldwide fleet. The FAA estimates that 56 airplanes of U.S. registry will be affected by this AD, that it will take approximately 1 work hour per airplane to accomplish the required inspections, and that the average labor rate is $60 per work hour. Based on these figures, the cost impact of the AD on U.S. operators is estimated to be $3,360, or $60 per airplane, per inspection.

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

Regulatory Impact

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

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

List of Subjects in 14 CFR Part 39

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

Adoption of the Amendment

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

PART 39—AIRWORTHINESS DIRECTIVES

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

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

§ 39.13 [Amended]

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

98–05–16 Raytheon Aircraft Company (Formerly Beech, Raytheon Corporate Jets, British Aerospace, Hawker Siddeley, et al.): Amendment 39–10377. Docket 96–NM–196–AD.

Applicability: Model DH 125–1A and –3A series airplanes; equipped with a main entry door having part numbers 25FC3559A, 25FC3559A/B, or 25FC3559A/C; and on which Raytheon Modification 251429 has not been accomplished; certificated in any category.

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

Compliance: Required as indicated, unless accomplished previously.

To detect and correct fatigue cracking of the main entry door/frame pressing area, which could result in loss of structural integrity of the door and consequent decompression of the cabin, accomplish the following:

(a) Within the next 150 landings or 90 days after the effective date of this AD, whichever occurs earlier, perform an eddy current inspection to detect fatigue cracking of the main entry door/frame pressing, in accordance with Raytheon Aircraft Service Bulletin SB.52–48, including Appendix A, dated June 19, 1996.

(1) If no cracking is detected during the inspection, repeat the inspection thereafter at intervals not to exceed 1,000 flight hours.

(2) If any cracking is detected during the inspection, prior to further flight, repair the cracking in accordance with the service bulletin.

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

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

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

(d) The actions shall be done in accordance with Raytheon Aircraft Service Bulletin, SB.52–48, including Appendix A, dated June 19, 1996. This incorporation by reference was approved by the Director of the Federal Register in accordance with 5 U.S.C. 552(a) and 1 CFR part 51. Copies may be obtained from Raytheon Aircraft Company, Technical Services—Beech, Hawker Customer Support Department, P.O. Box 85, Wichita, Kansas 67201–0085. Copies may be inspected at the FAA, Transport Airplane Directorate, 1601 Lind Avenue, SW., Renton, Washington; or at the FAA, Small Airplane Directorate, Wichita Aircraft Certification Office, 1801 Airport Road, Room 100, Mid-Continent Airport, Wichita, Kansas; or at the Office of the Federal Register, 800 North Capitol Street, NW., suite 700, Washington, DC.

(e) This amendment becomes effective on April 10, 1998.

Issued in Renton, Washington, on February 26, 1998.

Darrell M. Pederson,

Acting Manager, Transport Airplane Directorate, Aircraft Certification Service.

[FR Doc. 98–5588 Filed 3–5–98; 8:45 am]

BILLING CODE 4910–13–P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 39

[Docket No. 97–SW–53–AD; Amendment 39–10378; AD 98–05–17]

RIN 2120–AA64

Airworthiness Directives; Eurocopter France Model SA–365N, SA–365N1, AS–365N2, and SA–366G1 Helicopters

AGENCY: Federal Aviation Administration, DOT.

ACTION: Final rule; request for comments.

SUMMARY: This amendment adopts a new airworthiness directive (AD) that is applicable to Eurocopter France Model SA–365N, SA–365N1, AS–365N2, and SA–366G1 helicopters. This action requires inspecting for rotational play or looseness of the outboard fin attachment studs (studs) and washers (if washers are present); inspecting each stud for incremental rotational movement or pure rotation; and if there is rotational play or looseness of any individual stud, performing a dye-penetrant inspection for cracks on each stud utilized in the installation. This amendment is prompted by a report of an outboard fin separating from the helicopter during flight, and several reports of loose outboard fins in service. This condition, if not corrected, could result in an outboard fin separating and contacting the rotor blades during flight, and subsequent loss of control of the helicopter.

DATES: Effective March 23, 1998.

The incorporation by reference of certain publications listed in the regulations is approved by the Director of the Federal Register as of March 23, 1998.

Comments for inclusion in the Rules Docket must be received on or before May 5, 1998.

ADDRESSES: Submit comments in triplicate to the Federal Aviation Administration (FAA), Office of the Regional Counsel, Southwest Region, Attention: Rules Docket No. 97–W–53–AD, 2601 Meacham Blvd., Room 663, Fort Worth, Texas 76137.

The service information referenced in this AD may be obtained from American Eurocopter Corporation, 2701 Forum Drive, Grand Prairie, Texas 75053–4005, telephone (972) 641–3460, fax (972) 641–3527. This information may be examined at the FAA, Office of the Regional Counsel, Southwest Region, 2601 Meacham Blvd., Room 663, Fort Worth, Texas; or at the Office of the Federal Register, 800 North Capitol Street, NW., suite 700, Washington, DC.

FOR FURTHER INFORMATION CONTACT: Mr. Mike Mathias, Aerospace Engineer, FAA, Rotorcraft Directorate, Rotorcraft Standards Staff, 2601 Meacham Blvd., Fort Worth, Texas 76137, telephone (817) 222–5123, fax (817) 222–5961.

SUPPLEMENTARY INFORMATION: The Direction Generale De L'Aviation Civile (DGAC), which is the airworthiness authority for France, has notified the FAA that an unsafe condition may exist on Eurocopter France Model SA–365N, SA–365N1, AS–365N2, and AS–366G1 helicopters. The DGAC advises that, due to the loss of an outboard fin in flight and the discovery of some loose outboard fins in service, within 50 flying hours, the directives stated in paragraphs B1, B2, and B3 of Eurocopter France AS 365 Service Bulletin No. 01.00.40, Revision No. 1, and Eurocopter France AS 366 Service Bulletin No. 01.20, Revision No. 1, both dated October 24, 1996, must be accomplished.

Eurocopter France has issued Eurocopter France AS 365 Service Bulletin No. 01.00.40, Revision No. 1, which is applicable to Model SA–365N, SA–365N1, and AS–365N2 helicopters, and Eurocopter France AS 366 Service Bulletin No. 01.20, Revision No. 1, which is applicable to Model SA–366G1 helicopters, both dated October 24, 1996, which specify checking the tightening torque value on studs on which MOD 0755B08 has not been incorporated. The DGAC classified this service bulletin as mandatory and issued AD 94–076–036(B)R1, dated December 4, 1996, applicable to Model SA–365N, SA–365N1, and AS–365N2 helicopters, and AD 94–077–016(B)R1, dated December 4, 1996, applicable to Model SA–366G1 helicopters, in order to assure the continued airworthiness of these helicopters in France. According to the type certificate data sheet for Eurocopter France helicopters listed in the U.S. Register, the model designation is SA–366G1 instead of AS 366.

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

Since an unsafe condition has been identified that is likely to exist or develop on other Eurocopter France Model SA–365N, SA–365N1, AS–365N2, and SA–366G1 helicopters of the same type design registered in the United States, this AD is being issued to prevent an outboard fin separating and contacting the rotor blades during flight, and subsequent loss of control of the helicopter. This AD requires inspecting for rotational play or looseness of the studs and the washers used to attach the outboard fin to the helicopter (if washers are present); inspecting each stud for incremental rotational movement or pure rotation; and if there is rotational play or looseness of any individual stud, performing a dye-penetrant inspection for cracks on each stud utilized in the installation. If a crack is found, replacement of the cracked stud with an airworthy stud is required. The actions are required to be accomplished in accordance with the service bulletins described previously. The outboard fin is a major component of the flight control system. If the outboard fin separated from the helicopter, it could contact the rotor blades during flight, resulting in subsequent loss of control of the helicopter. Due to the criticality of the outboard fin's retention to the continued safe flight of the affected helicopters, this rule must be issued immediately to correct an unsafe condition in the affected helicopters.

Since a situation exists that requires the immediate adoption of this regulation, it is found that notice and opportunity for prior public comment hereon are impracticable, and that good cause exists for making this amendment effective in less than 30 days.

The FAA estimates that 37 helicopters of U.S. Registry will be affected by this AD, that it will take approximately 2 work hours per helicopter to accomplish the proposed actions, and that the average labor rate is $60 per work hour. Required parts will cost approximately $100 per helicopter. Based on these figures, the total cost impact of the this AD on U.S. operators is estimated to be $8,140.

Comments Invited

Although this action is in the form of a final rule that involves requirements affecting flight safety and, thus, was not preceded by notice and an opportunity for public comment, comments are invited on this rule. Interested persons are invited to comment on this rule by submitting such written data, views, or arguments as they may desire.

Communications should identify the Rules Docket number and be submitted in triplicate to the address specified under the caption **ADDRESSES**. All communications received on or before the closing date for comments will be considered, and this rule may be amended in light of the comments received. Factual information that supports the commenter's ideas and suggestions is extremely helpful in evaluating the effectiveness of the AD action and determining whether additional rulemaking action would be needed.

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

Commenters wishing the FAA to acknowledge receipt of their comments submitted in response to this rule must submit a self-addressed, stamped postcard on which the following statement is made: ''Comments to Docket No. 97–SW–53–AD.'' The postcard will be date stamped and returned to the commenter.

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

The FAA has determined that this regulation is an emergency regulation that must be issued immediately to correct an unsafe condition in aircraft, and that it is not a ''significant regulatory action'' under Executive Order 12866. It has been determined further that this action involves an emergency regulation under DOT Regulatory Policies and Procedures (44 FR 11034, February 26, 1979). If it is determined that this emergency regulation otherwise would be significant under DOT Regulatory Policies and Procedures, a final regulatory evaluation will be prepared and placed in the Rules Docket. A copy of it, if filed, may be obtained from the Rules Docket at the location provided under the caption **ADDRESSES**.

List of Subjects in 14 CFR Part 39

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

Adoption of the Amendment

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

PART 39—AIRWORTHINESS DIRECTIVES

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

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

§ 39.13 [Amended]

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

AD 98–05–17 Eurocopter France: Amendment 39–10378. Docket No. 97–SW–53–AD.

Applicability: Model SA–365N, SA–365N1, AS–365N2, and SA–366G1 helicopters, certificated in any category.

Note 1: This AD applies to each helicopter identified in the preceding applicability provision, regardless of whether it has been modified, altered, or repaired in the area subject to the requirements of this AD. For helicopters that have been modified, altered, or repaired so that the performance of the requirements of this AD is affected, the owner/operator must use the authority provided in paragraph (b) to request approval from the FAA. This approval may address either no action, if the current configuration eliminates the unsafe condition, or different actions necessary to address the unsafe condition described in this AD. Such a request should include an assessment of the effect of the changed configuration on the unsafe condition addressed by this AD. In no case does the presence of any modification, alteration, or repair remove any helicopter from the applicability of this AD.

Compliance: Required within 50 hours time-in-service, unless accomplished previously.

To prevent an outboard fin from separating and contacting the rotor blades during flight, resulting in loss of control of the helicopter, accomplish the following:

(a) For helicopters with outboard fins that are secured with outboard fin attachment studs (studs), part number (P/N) 365A13–3017–24, which have not been modified in accordance with MOD 0755B08, remove the outboard fins and inspect for the presence of washers in the seating plane of the outboard fins.

(1) If washers are present, inspect for rotational play or looseness of the washers.

(2) If washers are not present, use shims to inspect for play or looseness between the stud and the seating plane.

(3) With each outboard fin removed, inspect each stud to ensure there is no incremental rotational movement or pure rotation when the tightening torque load specified in paragraph B.1) of the Accomplishment Instructions of both Eurocopter France AS 365 Service Bulletin No. 01.00.40, Revision No. 1, which is applicable to Model SA–365N, SA–365N1, and AS–365N2 helicopters, and Eurocopter France AS 366 Service Bulletin No. 01.20, Revision No. 1, which is applicable to Model SA–366G1 helicopters, both dated October 24, 1996, is applied.

(4) If no play or looseness between the stud and the seating plane and no incremental rotational movement or pure rotation is discovered, reinstall the outboard fins as specified in paragraph B.2) of the Accomplishment Instructions in the applicable service bulletins specified in paragraph (3) of this AD.

(5) If play or looseness between the stud and the seating plane and incremental movement or rotation is discovered, remove the washers (if present) and studs and perform a dye-penetrant inspection of the stud for cracks in accordance with paragraph B.3) of the Accomplishment Instructions in the applicable service bulletins specified in paragraph (3) of this AD.

(6) If a crack is discovered as a result of the inspection required by paragraph (5) of this AD, replace the stud with an airworthy stud. Reinstall the outboard fin in accordance with Note I in the applicable service bulletins specified in paragraph (3) of this AD.

(b) An alternative method of compliance or adjustment of the compliance time that provides an acceptable level of safety may be used if approved by the Manager, Rotorcraft Standards Staff, Rotorcraft Directorate, FAA. Operators shall submit their requests through an FAA Principal Maintenance Inspector, who may concur or comment and then send it to the Manager, Rotorcraft Standards Staff.

Note 2: Information concerning the existence of approved alternative methods of compliance with this AD, if any, may be obtained from the Rotorcraft Standards Staff.

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

(d) The inspections shall be done in accordance with Eurocopter France AS 365 Service Bulletin No. 01.00.40, Revision No. 1, and Eurocopter France AS 366 Service Bulletin No. 01.20, Revision No. 1, both dated October 24, 1996. These incorporations by reference were approved by the Director of the Federal Register in accordance with 5 U.S.C. 552(a) and 1 CFR part 51. Copies may be obtained from American Eurocopter Corporation, 2701 Forum Drive, Grand Prairie, Texas 75053–4005, telephone (972) 641–3460, fax (972) 641–3527. Copies may be inspected at the FAA, Office of the Regional Counsel, Southwest Region, 2601 Meacham Blvd., Room 663, Fort Worth, Texas 76137; or at the Office of the Federal Register, 800 North Capitol Street, NW., suite 700, Washington, DC.

(e) This amendment becomes effective on March 23, 1998.

Note 3: The subject of this AD is addressed in Direction Generale De L'Aviation Civile (France) AD 94–077–016(B)R1 and AD 94–076–036(B)R1, both dated December 4, 1996.

Issued in Fort Worth, Texas, on February 26, 1998.

Eric Bries,

Acting Manager, Rotorcraft Directorate, Aircraft Certification Service.

[FR Doc. 98–5733 Filed 3–5–98; 8:45 am]

BILLING CODE 4910–13–P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 71

[Airspace Docket No. 98–ANE–92]

Amendment to Class E Airspace; Laconia, NH; Correction

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Direct final rule; correction.

SUMMARY: This action corrects a charting error in the description of revised Class E airspace at Laconia, NH (KLCI) published in the **Federal Register** on February 20, 1998 (63 FR 8563) and intended to provide adequate controlled airspace for those aircraft using the new GPS RWY 26 standard instrument approach procedure to Laconia Municipal Airport.

DATES: Effective 0901 UTC, April 23, 1998.

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

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

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

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

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

SUPPLEMENTARY INFORMATION: On February 20, 1998, the FAA published in the **Federal Register** a direct final rule revising the Class E airspace at Laconia, NH (KLCI) to provide for adequate controlled airspace for those aircraft using the new GPS RWY 26 standard instrument approach procedure to Laconia Municipal Airport (63 FR 8563). Since publication of that direct final rule, the FAA has been advised of a charting error in the description of the Class E airspace at Laconia. This action corrects that error.

Correction to the Direct Final Rule

Accordingly, pursuant to the authority delegated to me, the amendment to Class E airspace at Laconia, NH as published in the **Federal Register** on February 20, 1998 (63 FR 8563), **Federal Register** document 98–4314; and the description in FAA Order 7400.9E, dated September 10, 1997, and effective September 16, 1997, which is incorporated by reference in 14 CFR 71.1 are corrected as follows:

§ 71.1 [Corrected]

On page 8564, column 3, 9th and 10th lines, correct the words ''Belknap NDP 249° bearing'' to read ''Belknap NDB 249°/069° bearings''.

Issued in Burlington, MA, on February 26, 1998.

Bill Peacock,

Manager, Air Traffic Division, New England Region.

[FR Doc. 98–5693 Filed 3–5–98; 8:45 am]

BILLING CODE 4910–13–M

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Food and Drug Administration

21 CFR Part 173

[Docket No. 97F–0038]

Secondary Direct Food Additives Permitted in Food for Human Consumption

AGENCY: Food and Drug Administration, HHS.

ACTION: Final rule.

SUMMARY: The Food and Drug Administration (FDA) is amending the food additive regulations to provide for the safe use of acidified solutions of sodium chlorite as an antimicrobial agent in the processing of red meat. This action is in response to a petition filed by Alcide Corp.

DATES: This regulation is effective March 6, 1998; written objections and requests for a hearing by April 6, 1998. The Director of the Office of the Federal Register approves the incorporation by reference in accordance with 5 U.S.C. 552(a) and 1 CFR part 51 of certain publications in § 173.325(d) (21 CFR 173.325(d)), effective March 6, 1998.

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

FOR FURTHER INFORMATION CONTACT: Robert L. Martin, Center for Food Safety and Applied Nutrition (HFS–217), Food and Drug Administration, 200 C St. SW., Washington, DC 20204–0001, 202–418–3074.

SUPPLEMENTARY INFORMATION: In a notice published in the **Federal Register** of February 5, 1997 (62 FR 5428), FDA announced that a food additive petition (FAP 7A4532) had been filed by Alcide Corp., Inc., 8561 154th Ave. NE., Redmond, WA 98052, proposing that the food additive regulations be amended to provide for the safe use of acidified sodium chlorite solutions for red meat disinfection in processing plants. In its evaluation of the petition, the agency has concluded that red meat is not disinfected, but that the microbial contamination of the meat is reduced. Therefore, the agency is approving this additive as an antimicrobial agent in red meat processing.

FDA has evaluated data in the petition and other relevant material. The agency has also consulted with scientists from the Food Safety and Inspection Service, U. S. Department of Agriculture, concerning the technological and practical aspects of the proposed use of acidified sodium chlorite solutions. Based upon this information and consultation, the agency concludes that the proposed use of the additive is safe, and the additive will have the intended technical effect of reducing microbial contamination on red meat. Therefore, § 173.325 is being amended as set forth below. Additionally, the agency is revising § 173.325 to eliminate redundancy. This revision is strictly editorial and is not a substantive change in the regulation.

In accordance with § 171.1(h) (21 CFR 171.1(h)), the petition and the documents that FDA considered and relied upon in reaching its decision to approve the petition are available for inspection at the Center for Food Safety and Applied Nutrition by appointment with the information contact person

listed above. As provided in § 171.1(h), the agency will delete from the documents any materials that are not available for public disclosure before making the documents available for inspection.

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

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

Any person who will be adversely affected by this regulation may at any time on or before April 6, 1998, file with the Dockets Management Branch (address above) written objections thereto. Each objection shall be separately numbered, and each numbered objection shall specify with particularity the provisions of the regulation to which objection is made and the grounds for the objection. Each numbered objection on which a hearing is requested shall specifically so state. Failure to request a hearing for any particular objection shall constitute a waiver of the right to a hearing on that objection. Each numbered objection for which a hearing is requested shall include a detailed description and analysis of the specific factual information intended to be presented in support of the objection in the event that a hearing is held. Failure to include such a description and analysis for any particular objection shall constitute a waiver of the right to a hearing on the objection. Three copies of all documents shall be submitted and shall be identified with the docket number found in brackets in the heading of this document. Any objections received in response to the regulation may be seen in the Dockets Management Branch between 9 a.m. and 4 p.m., Monday through Friday.

List of Subjects in 21 CFR Part 173

Food additives, Incorporation by reference.

Therefore, under the Federal Food, Drug, and Cosmetic Act and under authority delegated to the Commissioner of Food and Drugs, and redelegated to the Director, Center for Food Safety and Applied Nutrition, 21 CFR part 173 is amended as follows:

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

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

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

2. Section 173.325 is amended by revising paragraph (b) and adding paragraphs (c) and (d) to read as follows:

§ 173.325 Acidified sodium chlorite solutions.

* * * * *

(b) The additive is used as an antimicrobial agent in poultry processing water as a component of a carcass spray or dip solution prior to immersion of the carcass in a prechiller or chiller tank, or in a prechiller or chiller solution in accordance with current industry practice for use of poultry process water.

(1) When used in a carcass spray or dip solution, the additive is used at levels that result in sodium chlorite concentrations between 500 and 1,200 parts per million (ppm), in combination with any GRAS acid at levels sufficient to achieve a solution pH of 2.5 to 2.9.

(2) When used in a prechiller or chiller tank, the additive is used at levels that result in sodium chlorite concentrations between 50 and 150 ppm, in combination with any GRAS acid at levels sufficient to achieve a solution pH of 2.8 to 3.2.

(c) The additive is used as an antimicrobial agent in the processing of red meat as a component of a carcass spray in accordance with current industry practice. In the carcass spray, the additive is used at levels that result in sodium chlorite concentrations between 500 and 1,200 parts per million (ppm) in combination with any GRAS acid at levels sufficient to achieve a solution pH of 2.5 to 2.9.

(d) The concentration of sodium chlorite is determined by a method entitled ''Determination of Sodium Chlorite: 50 ppm to 1500 ppm Concentration,'' September 13, 1995, developed by Alcide Corp., Redmond, WA, which is incorporated by reference in accordance with 5 U.S.C. 552(a) and 1 CFR part 51. Copies are available from the Division of Petition Control (HFS–215), Center for Food Safety and Applied Nutrition, Food and Drug Administration, 200 C St. SW., Washington, DC 20204–0001, or may be examined at the Center for Food Safety and Applied Nutrition's Library, 200 C St. SW., rm. 3321, Washington, DC 20204–0001, or the Office of the Federal Register, 800 North Capitol St. NW., suite 700, Washington, DC.

Dated: February 27, 1998

L. Robert Lake,

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

[FR Doc. 98–5073 Filed 3–5–98; 8:45 am]

BILLING CODE 4160–01–F

DEPARTMENT OF JUSTICE

Office of the Attorney General

28 CFR Part 60

[AG Order No. 2144–98]

Authorization of Federal Law Enforcement Officers to Request the Issuance of a Search Warrant

AGENCY: Department of Justice.

ACTION: Final rule.

SUMMARY: Rule 41(h) of the Federal Rules of Criminal Procedure authorizes the Attorney General to designate categories of federal law enforcement officers who may request the issuance of search warrants. This rule adds the Office of Inspector General of the United States Postal Service to the list of agencies having federal law enforcement officers authorized to request the issuance of search warrants pursuant to Rule 41(h).

EFFECTIVE DATE: March 6, 1998.

FOR FURTHER INFORMATION CONTACT: Frederick D. Hess, Director, or Donald B. Nicholson, Attorney, Office of Enforcement Operations, Criminal Division, Department of Justice, Washington, D.C. 20530 (202–305–4023) (not a toll-free number).

SUPPLEMENTARY INFORMATION: Previous authorizations by the Attorney General under Rule 41(h) were made by Order No. 510–73 (38 FR 7244, March 19, 1973), as amended by Order No. 521–73 (38 FR 18389, July 10, 1973), Order No. 826–79 (44 FR 21785, April 12, 1979), Order No. 844–79 (44 FR 46459, August 8, 1979), Order No. 960–81 (46 FR 52360, October 27, 1981), Order No. 987–82 (47 FR 39161, September 7, 1982), Order No. 1005–83 (48 FR 11450, March 18, 1983), Order No. 1026–83 (48 FR 37376, August 18, 1983), Order No. 1137–86 (51 FR 22282, June 19, 1986), Order No. 1143–86 (51 FR 26878, July 28, 1986), Order No. 1188–87 (52 FR 19137, May 21, 1987), Order No. 1327–89 (54 FR 9430, March 7, 1989), Order No. 1344–89 (54 FR 20123, May 10, 1989), and Order No. 2000–95 (60 FR 62733, December 7, 1995).

One of the categories of federal law enforcement officers authorized to seek the issuance of search warrants is ''[a]ny person who has been authorized to execute search warrants by the head of a department, bureau, or agency (or his delegate, if applicable) pursuant to any statute of the United States.'' See 28 CFR 60.2(b). Section 3061(a) of Title 18, United States Code, provides, in pertinent part:

> Postal Inspectors and other agents of the United States Postal Service designated by the Board of Governors to investigate criminal matters related to the Postal Service and the mails may—
>
> (1) Serve warrants and subpoenas issued under the authority of the United States; * * *.

The Omnibus Consolidated Appropriations Act for Fiscal Year 1997 established an Office of Inspector General in the United States Postal Service with the authority to conduct criminal investigations pursuant to the Inspector General Act of 1978, as amended. See Public Law 104–208 div. A, tit. I, sec. 101(f) (tit. VI, sec. 662(b)(1)–(2)), 110 Stat. 3009–379 (1996), codified at 5 U.S.C.A. App. 3, section 8G(f) (West Supp. 1997). This authority had previously been lodged in the Postal Inspection Service. Thereafter, pursuant to Resolution 97–3 (March 4, 1997), the Board of Governors of the United States Postal Service drew up an allocation of functions between the Postal Inspection Service and the Office of Inspector General. This resolution provides, in pertinent part:

> To the full extent necessary to enable the Office of Inspector General properly to perform its investigative functions consistent with the Inspector General Act, the Governors authorize the Office of Inspector General to exercise, concurrent with the Postal Inspection Service, the investigative functions, powers, and duties delegated to the Postal Inspection Service under authority of * * * 18 U.S.C. 3061 * * *.

In accordance with 18 U.S.C. 3061, Pub. L. 104–208, and Resolution 97–3 of the Board of Governors, criminal investigators of the Office of Inspector General of the United States Postal Service are now authorized to seek the issuance of search warrants pursuant to 28 CFR 60.2(b). Consequently, the Office of Inspector General of the United States Postal Service must be added to the list of agencies set forth in 28 CFR 60.3.

Because the material contained herein is a matter of Department of Justice practice and procedure, the provision of the Administrative Procedure Act (5 U.S.C. 553) requiring notice of proposed rulemaking, opportunity for public participation, and delay in effective date is inapplicable. This rule has been drafted and reviewed in accordance with section 1(b) of Executive Order 12866. This rule falls within a category of actions that the Office of Management and Budget (OMB) has determined not to constitute ''significant regulatory actions'' under section 3(f) of Executive Order 12866 and, accordingly, it has not been reviewed by OMB.

In accordance with the Regulatory Flexibility Act (5 U.S.C. 605(b)), the Attorney General certifies that this rule will not have a significant economic impact on a substantial number of small entities. The rule merely adds the Office of the Inspector General of the United States Postal Service to the list of agencies whose officers may request search warrants in conformity with the Postal Service's recent allocation of investigative functions within the agency.

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

List of Subjects in 28 CFR Part 60

Law enforcement officers, Search warrants.

By virtue of the authority vested in me by Rule 41(h) of the Federal Rules of Criminal Procedure, part 60 of chapter I of Title 28, Code of Federal Regulations is hereby amended as follows:

PART 60—AUTHORIZATION OF FEDERAL LAW ENFORCEMENT OFFICERS TO REQUEST THE ISSUANCE OF A SEARCH WARRANT

1. The authority citation for part 60 continues to read as follows:

Authority: Rule 41(h), Fed. R. Crim. P (18 U.S.C. appendix).

2. Section 60.3 is amended by revising paragraph (a)(8) to read as follows:

§ 60.3 Agencies with authorized personnel.

* * * * *

(a) * * *

(8) U.S. Postal Service:

Inspection Service

Office of Inspector General

* * * * *

Dated: March 2, 1998.

Janet Reno,

Attorney General.

[FR Doc. 98–5828 Filed 3–5–98; 8:45 am]

BILLING CODE 4410–14–M

DEPARTMENT OF JUSTICE

Office of the Attorney General

28 CFR Part 61

AG Order No. 2142–98

National Environmental Policy Act: Categorical Exclusions

AGENCY: Department of Justice.

ACTION: Interim rule.

SUMMARY: The Department of Justice is adding a categorical exclusion for actions by the Bureau of Prisons (Bureau). This new categorical exclusion is for actions undertaken by the Bureau that normally do no require the preparation of either an environmental impact statement or an environmental assessment, including contracts for halfway houses, community corrections centers, comprehensive sanction centers, community detention centers, or other similar facilities. The Bureau will continue to determine independently whether the preparation of an environmental impact statement or an environmental assessment is required for an agency action not otherwise covered by a categorical exclusion. In addition, when a proposed agency action that could be classified as a categorical exclusion involves extraordinary circumstances that may affect the environment, the Bureau shall conduct appropriate environmental studies to determine if the categorical exclusion classification is proper.

DATES: Effective March 6, 1998. Comments must be submitted by May 5, 1998.

ADDRESSES: Comments must be submitted to the Rules Unit, Office of General Counsel, Bureau of Prisons, HOLC Room 754, 320 First Street, NW., Washington, DC 20534.

FOR FURTHER INFORMATION CONTACT: Roy Nanovic, Office of General Counsel, Bureau of Prisons, phone (202) 514–6655.

SUPPLEMENTARY INFORMATION: The Department of Justice is noting an amendment to the internal procedures developed by the Bureau that supplement the department-wide procedures for the implementation of the National Environmental Policy Act (NEPA). These procedures (28 CFR part

61) were originally published at 46 FR 7953 (Jan. 26, 1981).

The Bureau's procedures were included as Appendix A of 28 CFR part 61 for informational purposes. Section 9 of Appendix A identifies actions that normally do not require the preparation of either an environmental impact statement or an environmental assessment. This amendment adds a new paragraph (3) to Section 9 in order to categorically exclude contracts for certain types of facilities. These categorically excluded actions include contracts for halfway houses, community corrections centers, comprehensive sanction centers, community detention centers, or other similar facilities. Based upon the Bureau's experience in undertaking such actions in the past, no significant environmental impacts normally occur as a result of such contracts and activities. A new Section 12 is also being added providing that if a proposed action is not covered by Sections 8 through 10 of the appendix, the Bureau of Prisons will independently determine whether to prepare either an environmental impact statement or an environmental assessment. In addition, when a proposed action that could be classified as a categorical exclusion under Section 9 of the appendix involves extraordinary circumstances that may affect the environment, the Bureau shall conduct appropriate environmental studies to determine if the categorical exclusion classification is proper for that proposed action.

As the Department noted when initially promulgating the regulations, the requirements of 5 U.S.C. 553 do not apply to the publication of these internal procedures. The provisions of the Department of Justice and component procedures that provide for internal management of NEPA review are exempt under 5 U.S.C. 553(a)(2). The Department, nevertheless, is issuing this amendment as an interim rule in order to afford the public an opportunity to comment.

This rule falls within a category of actions that the Office of Management and Budget (OMB) has determined not to constitute ''significant regulatory actions'' under section 3(f) of Executive Order 12866 and, accordingly, it was not reviewed by OMB. After review of the law and regulations, the Attorney General herein certifies that this amendment, for the purpose of the Regulatory Flexibility Act (5 U.S.C. 601 et seq.), does not have a significant impact on a substantial number of small entities because it pertains to the agency's internal management.

This rule will not have substantial direct effects on the states, on the relationship between the national government and the states, or the distribution of power and responsibilities among the various levels of government. Therefore, in accordance with Section 6 of Executive Order 12612, the Department of Justice has determined that this rule does not have sufficient federalism implications to warrant the preparation of a Federalism Assessment.

Interested persons may submit comments on this amendment in writing to the Rules Unit, Office of General Counsel, Bureau of Prisons, 320 First Street, NW., HOLC Room 754, Washington, DC 20534. Comments received during the comment period will be considered before the rule is finalized; comments received after the deadline will be considered to the extent practicable. All comments received remain on file for public inspection at the above address.

List of Subjects in 28 CFR Part 61

Environmental impact statements.

Accordingly, by virtue of the authority vested in the Attorney General by law, including 5 U.S.C. 301 and 28 U.S.C. 509 and 510, part 61 of title 28 of the Code of Federal Regulations is amended as follows:

PART 61—PROCEDURES FOR IMPLEMENTING THE NATIONAL ENVIRONMENTAL POLICY ACT

1. The authority citation for 28 CFR part 61 continues to read as follows:

Authority: 28 U.S.C. 509, 510; 5 U.S.C. 301; Executive Order No. 11991.

2. Appendix A is amended by adding a new paragraph 9.(3) and a new Section 12 to read as follows:

Appendix A—Bureau of Prisons—Procedures Relating to the Implementation of the National Environmental Policy Act

* * * * *

9. * * *

(3) Contracts for halfway houses, community corrections centers, comprehensive sanction centers, community detention centers, or other similar facilities.

* * * * *

12. Review.

(1) If a proposed action is not covered by Sections 8 through 10 of this appendix, the Bureau of Prisons will independently determine whether to prepare either an environmental impact statement or an environmental assessment.

(2) When a proposed action that could be classified as a categorical exclusion under Section 9 of this appendix involves extraordinary circumstances that may affect the environment, the Bureau shall conduct appropriate environmental studies to determine if the categorical exclusion classification is proper for that proposed action.

Dated: February 26, 1998.

Janet Reno,

Attorney General.

[FR Doc. 98–5791 Filed 3–5–98; 8:45 am]

BILLING CODE 4410–05–M

DEPARTMENT OF VETERANS AFFAIRS

38 CFR Part 2

RIN 2900–AJ14

Delegations of Authority—Decisionmaking Regarding Discrimination

AGENCY: Department of Veterans Affairs.

ACTION: Final rule.

SUMMARY: This document amends regulations of the Department of Veterans Affairs (VA) by revising the delegations of authority concerning decisionmaking regarding complaints alleging discrimination on grounds of race, color, religion, sex, national origin, age, disability or reprisal. The delegations of authority are set forth in the regulatory text portion of this document and are consistent with the provisions of the ''Veterans' Benefits Act of 1997'' (Public Law 105–114).

DATES: Effective Date: March 6, 1998.

FOR FURTHER INFORMATION CONTACT: John W. Klein, Assistant General Counsel (024), 202–273–6380.

SUPPLEMENTARY INFORMATION: This document is published without regard to the notice and comment and effective date provisions of 5 U.S.C. 553 since it relates to agency management and personnel.

Regulatory Flexibility Act

The Secretary of Veterans Affairs hereby certifies that this final rule will not have a significant economic impact on a substantial number of small entities as they are defined in the Regulatory Flexibility Act, 5 U.S.C. 601–612. This final rule would affect only individuals. Accordingly, pursuant to 5 U.S.C. 605(b), this final rule is exempt from the initial and final regulatory flexibility analysis requirements of §§ 603 and 604.

There is no Catalog of Federal Domestic Assistance number for this final rule.

List of Subjects in 38 CFR Part 2

Authority delegations (Government agencies)

Approved: February 19, 1998.

Togo D. West, Jr.,

Acting Secretary.

For the reasons stated above, 38 CFR part 2 is amended as set forth below.

PART 2—DELEGATIONS OF AUTHORITY

1. The authority citation for part 2 continues to read as follows:

Authority: 5 USC 302; 38 U.S.C. 501, 512; 44 U.S.C. 3702, unless otherwise noted.

2. In § 2.6, paragraph (e)(6) is revised to read as follows:

§ 2.6 Secretary's delegations of authority to certain officials (38 U.S.C. 512).

* * * * *

(e) * * *

(6) This section sets forth delegations of authority concerning decisionmaking regarding complaints alleging employment discrimination on grounds of race, color, religion, sex, national origin, age, disability or reprisal brought by an employee of the Department of Veterans Affairs or an applicant for employment.

(i) Through August 31, 1998, the General Counsel, Deputy General Counsel, Assistant General Counsel of Professional Staff Group IV, Deputy Assistant General Counsel of Professional Staff Group IV, the Deputy Assistant Secretary for Resolution Management, Office of Resolution Management District Managers, and Office of Resolution Management Field Supervisory Managers are delegated authority to make procedural decisions (decisions to dismiss for untimeliness, for failure to state a claim, or for other procedural grounds). On and after September 1, 1998, the Deputy Assistant Secretary for Resolution Management, Office of Resolution Management District Managers, and Office of Resolution Management Field Supervisory Managers are delegated the sole authority to make procedural decisions.

(ii) Through February 18, 1998, the General Counsel, Deputy General Counsel, Assistant General Counsel of Professional Staff Group IV, and the Deputy Assistant General Counsel of Professional Staff Group IV are delegated authority to make substantive decisions (merit decisions). On and after February 19, 1998, the Director, Office of Employment Discrimination Complaint Adjudication is delegated the sole authority to make substantive decisions.

(iii) Notwithstanding other provisions of this section, a complaint alleging that the Secretary or the Deputy Secretary personally made a decision directly related to the matters in dispute, or are otherwise personally involved in such matters, will be referred for procedural and substantive decisionmaking to the Department of Defense or the Department of Justice pursuant to a cost-reimbursable agreement. Referral will not be made when the action complained of relates merely to routine ministerial approval of selection recommendations submitted to the Secretary by the Under Secretary for Health, the Under Secretary for Benefits, the Director, National Cemetery Service, assistant secretaries, or staff offices heads.

(Authority: 38 U.S.C. 512; Pub. L. 105–114)

* * * * *

[FR Doc. 98–5831 Filed 3–5–98; 8:45 am]

BILLING CODE 8320–01–P

DEPARTMENT OF VETERANS AFFAIRS

38 CFR Part 3

RIN 2900–AI77

Compensation for Certain Undiagnosed Illnesses

AGENCY: Department of Veterans Affairs.

ACTION: Final rule.

SUMMARY: This document adopts as a final rule the provisions of an interim final rule which amended the Department of Veterans Affairs (VA) adjudication regulations regarding compensation for disabilities resulting from undiagnosed illnesses suffered by Persian Gulf Veterans. This amendment is necessary to expand the period within which such disabilities must become manifest to a compensable degree in order for entitlement for compensation to be established. The intended effect of this amendment is to ensure that veterans with compensable disabilities due to undiagnosed illnesses that may be related to active service in the Southwest Asia theater of operations during the Persian Gulf War may qualify for benefits.

DATES: *Effective Date:* March 6, 1998.

Applicability Date: November 2, 1994.

FOR FURTHER INFORMATION CONTACT: John Bisset, Jr., Consultant, Regulations Staff, Compensation and Pension Service, Veterans Benefits Administration, 810 Vermont Avenue, NW, Washington, DC 20420, telephone (202) 273–7230.

SUPPLEMENTARY INFORMATION: In response to the needs and concerns of Persian Gulf veterans, Congress enacted the ''Persian Gulf War Veterans' Benefits Act,'' Title I of the ''Veterans' Benefits Improvements Act of 1994,'' Pub. L. 103–446. That statute added a new section 1117 to Title 38, United States Code, authorizing the Secretary of Veterans Affairs to compensate any Persian Gulf veteran suffering from chronic disability resulting from an undiagnosed illness or combination of undiagnosed illnesses that became manifest either during active duty in the Southwest Asia theater of operations during the Persian Gulf War or to a degree of ten percent or more within a presumptive period, as determined by the Secretary, following service in the Southwest Asia theater of operations during the Persian Gulf War. The statute specified that in establishing a presumptive period the Secretary should review any credible scientific or medical evidence, the historical treatment afforded other diseases for which service connection is presumed, and other pertinent circumstances regarding the experience of Persian Gulf veterans.

In the **Federal Register** of February 3, 1995, VA published a final rule adding a new § 3.317 to title 38, Code of Federal Regulations to establish the regulatory framework necessary for the Secretary to pay compensation under the authority granted by the Persian Gulf War Veterans' Benefits Act (See 60 FR 6660–6666). As part of that rulemaking, VA, having determined that there was little or no scientific or medical evidence at that time that would be useful in determining an appropriate presumptive period, established a two-year-post-Gulf-service presumptive period based on the historical treatment of disabilities for which manifestation periods had been established and pertinent circumstances regarding the experiences of Persian Gulf veterans as they were then known.

In the **Federal Register** of April 29, 1997, VA published an interim rule with a request for comments that revised the presumptive period for disabilities due to undiagnosed illnesses suffered by Persian Gulf veterans. As revised, the presumptive period encompasses any such disability that becomes manifest to a compensable degree through the year 2001 (See 62 FR 23138–23139). Interested persons were invited to submit written comments concerning the interim rule on or before

June 30, 1997. VA received one comment from a concerned individual.

The commenter stated that the extension of the presumptive period for disabilities due to undiagnosed illnesses is inconsistent with the Secretary's responsibilities under the law.

Section 103(1) of Pub. L. 103–446 establishes that the first purpose of the legislation is to provide compensation to Persian Gulf War veterans who suffer disabilities resulting from illnesses that cannot now be diagnosed or defined, and for which other causes cannot be identified. The Secretary determined that in order to accomplish this purpose it was necessary to extend the presumptive period. That action clearly was consistent with his responsibilities under the law and we make no change based on this comment.

The commenter stated that it is unfair to make a decision to extend the presumptive period without supporting data regarding the latency period of the illnesses at issue.

Pub. L. 103–446 requires the Secretary to prescribe the period of time following Persian Gulf War service appropriate for the presumption of service connection for disabilities due to undiagnosed illnesses after reviewing, among other things, any available credible medical or scientific evidence.

Despite a broad federal research effort, there is still insufficient data about the nature and causes of the undiagnosed illnesses to establish a specific latency period. What is clear, however, is that a two-year presumptive period prevented VA from compensating certain veterans with disabilities due to undiagnosed illnesses that may have resulted from their service in the Persian Gulf War. The Secretary therefore decided to extend the presumptive period until a time when it is reasonable to anticipate that the results of ongoing research may have shed enough light on these issues to guide future policies. For these reasons, we make no change based on this comment.

This commenter also stated that the extension of the presumptive period for disabilities due to undiagnosed illnesses is unfair since we are still within the Persian Gulf War time period and veterans will, therefore, have significantly different presumptive periods.

Once it became clear that a significant number of veterans were developing disabilities due to undiagnosed illnesses more than two years after the date that they last served in the Persian Gulf, the Secretary determined that the most equitable way to address this issue was to extend the presumptive period in such a manner that no Persian Gulf veterans with qualifying disabilities would be denied compensation. If the results of ongoing research eventually identify a latency period, VA will revise the presumptive period accordingly. In the meantime, no one should be denied benefits unfairly because of a presumptive period that, based on VA's experience with claims from Persian Gulf veterans, is too short. The department, therefore, makes no change based on this comment.

Based on the rationale set forth in the interim final rule and this document, the interim final rule amending 38 CFR part 3 which was published at 62 FR 23138 on April 29, 1997, is adopted as a final rule without change.

Approved: February 27, 1998.

Togo D. West, Jr.,

Acting Secretary.

[FR Doc. 98–5841 Filed 3–5–98; 8:45 am]

BILLING CODE 8320–01–P

DEPARTMENT OF VETERANS AFFAIRS

38 CFR Part 17

RIN 2900–AH68

Treatment of Research-Related Injuries to Human Subjects

AGENCY: Department of Veterans Affairs.

ACTION: Final rule.

SUMMARY: This final rule amends the Department of Veterans Affairs (VA) medical regulations to provide (or to pay for the provision of) necessary medical treatment to certain human subjects injured as a result of participation in VA research. Under the final rule all participants in research approved by a VA Research and Development Committee (regardless of source of funding), and conducted under the supervision of one or more VA employees, are eligible for treatment unless injuries are due to noncompliance by a research subject with study procedures. VA will provide medical care in those circumstances where VA has some responsibility for the need for medical care.

DATES: Effective Date: April 6, 1998.

FOR FURTHER INFORMATION CONTACT: David Thomas, Office of Research and Development (12B), Department of Veterans Affairs, 810 Vermont Avenue, NW., Washington, DC 20420, (202) 273–8284.

SUPPLEMENTARY INFORMATION: In a document published in the **Federal Register** on September 9, 1996 (61 FR 47469), VA proposed to provide (or to pay for the provision of) necessary medical treatment to certain human subjects injured as a result of participation in VA research. Based on the rationale set forth in the proposed rule and in this final rule, the provisions of the proposed rule are adopted as a final rule with changes discussed in this document.

VA requested comments to be submitted on or before November 8, 1996. Comments were received from six sources. These comments are discussed below.

One commenter suggested that VA set forth the text of this final rule in a place in 38 CFR other than part 16. Part 16 consists of common rules applicable to a number of agencies. It was asserted that the provisions of the proposed rule are different because they are unique to VA. We agree with the suggestion and have included the text of the final rule in 38 CFR part 17.

Proposed § 16.125 (renumbered in the final rule as § 17.85) provided, in part, that VA medical facilities shall provide necessary medical treatment to research subjects who are injured as a result of participation in a research project approved by a VA Research and Development Committee and conducted by VA employees. One commenter asserted that the term ''VA employee'' should be narrowly construed and noted that this would lessen the amount of treatment that would need to be provided by VA. Another commenter asserted that medical treatment should be provided for injured subjects even if non-VA employees conducted the research. We believe VA should provide medical treatment to injured research subjects when individuals acting within their appointment as VA employees have supervisory responsibility over the conduct of the research. Consistent with this principle, the regulations are clarified to state that research subjects are eligible for medical treatment if injured during research conducted under the supervision of one or more VA employees. Further, to avoid confusion regarding who would be considered a VA employee, we have included in the final rule a definition of ''employee,'' which provides that '' 'VA employee' means any person acting within an appointment by VA as an officer or employee.''

Also, the proposed rule excluded the provision of medical treatment by VA for subjects injured as a result of research conducted for VA under a contract with a non-VA institution. One commenter argued against this exclusion. VA has retained the exclusion. The obligation to provide treatment under such circumstances

should rest with the contractor rather than VA because the contractor would have control over the actions of individuals involved in the research. Also, VA has clarified the exclusion to state that the exclusion covers contracts with individuals as well as non-VA institutions. The exclusion was intended to cover all contract research conducted by non-VA employees whether the contract was with an individual or an institution.

The law directs VA to conduct a program of medical research in connection with caring for veterans. 38 U.S.C. 7303. VA includes nonveterans in VA research projects if there are not enough suitable veteran-patients and cares for them in VA hospitals as part of the research. 38 CFR 17.45 (1996). This final rule further implements § 7303 to specify when and how VA gives free medical treatment to research subjects if their participation in the research adversely affects their health.

Congress gives money to VA in appropriation accounts and restricts how VA may use the money in these accounts. VA pays for medical care and research out of different appropriation accounts. The law requires that, if VA medical care funds pay for the care of research subjects who are not otherwise eligible for VA care, VA research appropriation must reimburse VA medical care appropriation. 38 CFR 17.101(g).

The Secretary hereby certifies that this final rule will not have a significant economic impact on a substantial number of small entities as they are defined in the Regulatory Flexibility Act, 5 U.S.C. 601–612. This rule concerns individuals. It does not make changes applicable to small entities. Therefore, pursuant to 5 U.S.C. 605(b), this final rule is exempt from the initial and final regulatory flexibility analyses requirements of §§ 603–604.

There is no Catalogue of Federal Domestic Assistance Program Number.

List of Subjects in 38 CFR Part 17

Administrative practice and procedure, Alcohol abuse, Alcoholism, Claims, Day care, Dental health, Drug abuse, Foreign relations, Government contracts, Grant programs-health, Grant programs-veterans, Health care, Health facilities, Health professions, Health records, Homeless, Medical and dental schools, Medical devices, Medical research, Mental health programs, Nursing homes, Philippines, Reporting and recordkeeping requirements, Scholarships and fellowships, Travel and transportation expenses, Veterans.

Approved: February 26, 1998.

Togo D. West, Jr.,

Acting Secretary.

For the reasons set out in the preamble, 38 CFR part 17 is amended as set forth below:

PART 17—MEDICAL

1. The authority citation for part 17 continues to read as follows:

Authority: 38 U.S.C. 501, 1721, unless otherwise noted.

2. Section 17.85 and an undesignated center heading are added to read as follows:

Research-Related Injuries

§ 17.85 Treatment of research-related injuries to human subjects.

(a) VA medical facilities shall provide necessary medical treatment to a research subject injured as a result of participation in a research project approved by a VA Research and Development Committee and conducted under the supervision of one or more VA employees. This section does not apply to:

(1) Treatment for injuries due to noncompliance by a subject with study procedures, or

(2) Research conducted for VA under a contract with an individual or a non-VA institution.

Note to § 17.85(a)(1) and (a)(2): Veterans who are injured as a result of participation in such research may be eligible for care from VA under other provisions of this part.

(b) Except in the following situations, care for VA research subjects under this section shall be provided in VA medical facilities.

(1) If VA medical facilities are not capable of furnishing economical care or are not capable of furnishing the care or services required, VA medical facility directors shall contract for the needed care.

(2) If inpatient care must be provided to a non-veteran under this section, VA medical facility directors may contract for such care.

(3) If a research subject needs treatment in a medical emergency for a condition covered by this section, VA medical facility directors shall provide reasonable reimbursement for the emergency treatment in a non-VA facility.

(c) For purposes of this section, ''VA employee'' means any person appointed by VA as an officer or employee and acting within the scope of his or her appointment (VA appoints officers and employees under title 5 and title 38 of the United States Code).

(Authority: 38 U.S.C. 501, 7303)

[FR Doc. 98–5840 Filed 3–5–98; 8:45 am]

BILLING CODE 8320–01–P

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Parts 264 and 265

[FRL–5973–3]

Project XL Site-specific Rulemaking for OSi Specialties, Inc., Sistersville, WV

AGENCY: Environmental Protection Agency (EPA).

ACTION: Direct final rule.

SUMMARY: The EPA is implementing a project under the Project XL program for the OSi Specialties, Inc. plant, a wholly owned subsidiary of Witco Corporation, located near Sistersville, West Virginia (the ''Sistersville Plant''). The terms of the XL project are defined in a Final Project Agreement (''FPA'') which was made available for public review and comment. See 62 FR 34748, June 27, 1997. Following a review of the public comments, the FPA was signed by delegates from the EPA, the West Virginia Division of Environmental Protection (''WVDEP'') and Witco Corporation on October 17, 1997. The EPA is today publishing a direct final rule, applicable only to the Sistersville Plant, to facilitate implementation of the XL project.

Today's action is a site-specific regulatory deferral from the Resource Conservation and Recovery Act (RCRA) organic air emission standards, commonly known as RCRA Subpart CC. The applicability of this site-specific deferral is limited to two existing hazardous waste surface impoundments, and is conditioned on the Sistersville Plant's compliance with air emission and waste management requirements that have been developed under this XL project. The air emission and waste management requirements are set forth in today's rulemaking. Today's action is intended to provide site-specific regulatory changes to implement this XL project. The agency expects this XL project to result in superior environmental performance at the Sistersville Plant, while deferring significant capital expenditures, and thus providing cost savings for the Sistersville Plant.

DATES: This direct final rule is effective on April 1, 1998, unless relevant adverse comments are received by March 27, 1998. If such comments are received, EPA will publish timely notice

in the **Federal Register** withdrawing this rule.

Comments: Public comments on this rulemaking will be accepted until April 1, 1998.

Public Hearing: A public hearing will be held, if requested, to provide interested persons an opportunity for verbal presentation of data, views, or arguments concerning this site-specific rule to implement the Sistersville Plant's XL project. If anyone contacts the EPA requesting to speak at a public hearing by March 16, 1998, a public hearing will be held on March 20, 1998.

ADDRESSES:

Request to Speak at Hearing: Persons wishing to make a verbal presentation must contact Mr. Tad Radzinski at U.S. EPA Region 3. Mr. Tad Radzinski may be contacted at the following: U.S. Environmental Protection Agency, Region 3 (3WC11), 841 Chestnut Street, Philadelphia, PA, 19107–4431, (215) 566–2394.

Comments: Written comments should be mailed to the RCRA Information Center Docket Clerk (5305W), U.S. Environmental Protection Agency, 401 M Street, S.W., Washington, D.C. 20460. Please send an original and two copies of all comments, and refer to Docket Number F–98–MCCP–FFFFF.

Docket: A docket containing supporting information used in developing this direct final rule is available for public inspection and copying at the EPA's docket office located at Crystal Gateway, 1235 Jefferson Davis Highway, First Floor, Arlington, Virginia. The public is encouraged to phone in advance to review docket materials. Appointments can be scheduled by phoning the Docket Office at (703) 603–9230. Refer to RCRA docket number F–98–MCCP–FFFFF.

A duplicate copy of the docket is available for inspection and copying at U.S. EPA, Region 3, 841 Chestnut Street, Philadelphia, PA, 19107–4431, during normal business hours. Persons wishing to view the duplicate docket at the Philadelphia location are encouraged to contact Mr. Tad Radzinski in advance, by telephoning (215) 566–2394.

FOR FURTHER INFORMATION CONTACT: Mr. Tad Radzinski, U.S. Environmental Protection Agency, Region 3 (3WC11), Waste Chemical Management Division, 841 Chestnut Street, Philadelphia, PA, 19107–4431, (215) 566–2394.

SUPPLEMENTARY INFORMATION: In the proposed rules section of today's **Federal Register**, EPA is proposing and soliciting comments on this rulemaking. In the event that no relevant adverse comments are received by the close of the public comment period, this action will become effective on April 1, 1998. This rule will become effective without further notice unless the Agency receives relevant adverse comment within 21 days of today's action. Should the Agency receive such comments, it will publish a notice document withdrawing this direct final rule. The EPA would then publish responses to such comments in a subsequent final rule, based on the related action in the proposed rules section of today's **Federal Register**. No additional opportunity for public comment will be provided. Unless this direct final rule is withdrawn, no further rulemakings will be published for this action.

Outline

The information presented in this preamble is organized as follows:

I. Authority
II. Background
A. Overview of Project XL
B. Overview of the OSi Sistersville Plant XL Project
1. Introduction
2. OSi Sistersville Plant XL Project Description and Environmental Benefits
3. Economic Benefits
4. Stakeholder Involvement
5. Regulatory Implementation Approach
6. Project Duration and Completion
III. Regulatory Requirements and Performance Standards
A. Capper Control Requirements
B. Methanol Recovery Operation
C. Waste Minimization & Pollution Prevention Study
IV. Additional Information
A. Public Hearing
B. Executive Order 12866
C. Regulatory Flexibility
D. Paperwork Reduction Act
E. Unfunded Mandates Reform Act
F. April 1, 1998 Effective Date

I. Authority

This regulation is being published under the authority of sections 1006, 2002, 3001–3007, 3010, and 7004 of the Solid Waste Disposal Act of 1970, as amended by the Resource Conservation and Recovery Act, as amended (42 U.S.C. 6905, 6912, 6921–6927, 6930, and 6974).

II. Background

A. Overview of Project XL

This site-specific regulation will implement a project developed under Project XL, an EPA initiative to allow regulated entities to achieve better environmental results at less cost. Project XL—''eXcellence and Leadership''— was announced on March 16, 1995, as a central part of the National Performance Review and the EPA's effort to reinvent environmental protection. See 60 FR 27282 (May 23, 1995). Project XL provides a limited number of private and public regulated entities an opportunity to develop their own pilot projects to provide regulatory flexibility that will result in environmental protection that is superior to what would be achieved through compliance with current and reasonably anticipated future regulations. These efforts are crucial to the Agency's ability to test new regulatory strategies that reduce regulatory burden and promote economic growth while achieving better environmental and public health protection. The Agency intends to evaluate the results of this and other Project XL projects to determine which specific elements of the project(s), if any, should be more broadly applied to other regulated entities for the benefit of both the economy and the environment.

Under Project XL, participants in four categories—facilities, industry sectors, governmental agencies and communities—are offered the flexibility to develop common sense, cost-effective strategies that will replace or modify specific regulatory requirements, on the condition that they produce and demonstrate superior environmental performance. To participate in Project XL, applicants must develop alternative pollution reduction strategies pursuant to eight criteria: superior environmental performance; cost savings and paperwork reduction; local stakeholder involvement and support; test of an innovative strategy; transferability; feasibility; identification of monitoring, reporting and evaluation methods; and avoidance of shifting risk burden. They must have full support of affected Federal, state and tribal agencies to be selected.

For more information about the XL criteria, readers should refer to the two descriptive documents published in the **Federal Register** (60 FR 27282, May 23, 1995 and 62 FR 19872, April 23, 1997), and the December 1, 1995 ''Principles for Development of Project XL Final Project Agreements'' document. For further discussion as to how the Sistersville Plant XL project addresses the XL criteria, readers should refer to the notice of availability for this XL project (62 FR 34748, June 27, 1997) and the related documents that were noticed by that **Federal Register** action. Each of these documents is available from the docket for this action (see **ADDRESSES** section of today's preamble).

The XL program is intended to allow the EPA to experiment with untried, potentially promising regulatory approaches, both to assess whether they provide benefits at the specific facility affected, and whether they should be considered for wider application. Such pilot projects allow the EPA to proceed more quickly than would be possible when undertaking changes on a

nationwide basis. As part of this experimentation, the EPA may try out approaches or legal interpretations that depart from or are even inconsistent with longstanding Agency practice, so long as those interpretations are within the broad range of discretion enjoyed by the Agency in interpreting statutes that it implements. The EPA may also modify rules, on a site-specific basis, that represent one of several possible policy approaches within a more general statutory directive, so long as the alternative being used is permissible under the statute.

Adoption of such alternative approaches or interpretations in the context of a given XL project does not, however, signal the EPA's willingness to adopt that interpretation as a general matter, or even in the context of other XL projects. It would be inconsistent with the forward-looking nature of these pilot projects to adopt such innovative approaches prematurely on a widespread basis without first determining whether or not they are viable in practice and successful in the particular projects that embody them. Furthermore, as EPA indicated in announcing the XL program, the Agency expects to adopt only a limited number of carefully selected projects. These pilot projects are not intended to be a means for piecemeal revision of entire programs. Depending on the results in these projects, EPA may or may not be willing to consider adopting the alternative interpretation again, either generally or for other specific facilities.

The EPA believes that adopting alternative policy approaches and interpretations, on a limited, site-specific basis and in connection with a carefully selected pilot project, is consistent with the expectations of Congress about EPA's role in implementing the environmental statutes (so long as the Agency acts within the discretion allowed by the statute). Congress' recognition that there is a need for experimentation and research, as well as ongoing re-evaluation of environmental programs, is reflected in a variety of statutory provisions, such as section 8001 of RCRA.

B. Overview of the OSi Sistersville Plant XL Project

1. Introduction

The EPA is today publishing a temporary deferral of RCRA Subpart CC applicable to the Sistersville Plant, to implement key provisions of this Project XL initiative. Today's site-specific temporary deferral supports a Project XL FPA that has been developed by the OSi Sistersville Plant XL stakeholder group. This group consisted of representatives from the Sistersville Plant, EPA, WVDEP, and the community around the Sistersville Plant. Environmental organizations were encouraged to participate in the stakeholder process; in response, a representative from the Natural Resources Defense Council (NRDC) participated in and provided valuable input to the development of this XL Project and the FPA.

The FPA is available for review in the docket for today's action and also is available on the world wide web at http://www.epa.gov/ProjectXL. A **Federal Register** document was published June 27, 1997 at 62 FR 34748 to notify the public of the details of this XL project and to solicit comments on the specific provisions of the FPA, which embodies the Agency's intent to implement this project. The FPA addresses the eight Project XL criteria, and the expectation of the Agency that this XL project will meet those criteria. Those criteria are: (1) Environmental performance superior to what would be achieved through compliance with current and reasonably anticipated future regulations; (2) cost savings or economic opportunity, and/or decreased paperwork burden; (3) stakeholder support; (4) test of innovative strategies for achieving environmental results; (5) approaches that could be evaluated for future broader application; (6) technical and administrative feasibility; (7) mechanisms for monitoring, reporting, and evaluation; and (8) consistency with Executive Order 12898 on Environmental Justice (avoidance of shifting of risk burden). The FPA specifically addresses the manner in which the project is expected to produce, measure, monitor, report, and demonstrate superior environmental benefits.

2. OSi Sistersville Plant XL Project Description and Environmental Benefits

The Sistersville Plant is a specialty chemical manufacturer of silicone products and is located near Sistersville, West Virginia along the east side of the Ohio River. The Sistersville plant produces a family of man-made organo-silicone chemicals which are used in industry and homes throughout the world. The organo-silicones have applications in electronic equipment; aircraft, missile, and space technology; appliance, automotive and metal working production; textile, paper, plastics, and glass fabrication; rubber products; paint, polish, and cosmetics; food processing and preparation; building and highway construction and maintenance; and chemical reactions and processes.

For this XL Project, the Sistersville Plant will install an incinerator and route the process vents from its polyether methyl capper (''capper'') unit to that incinerator for control of organic air emissions. The Sistersville Plant expects to begin implementing these organic air emission controls by April of 1998. There are no currently-applicable regulations that require the Sistersville Plant to install this incinerator or to control the organic emissions from the capper unit. The EPA anticipates that these controls will be required for the Sistersville Plant under the National Emission Standard for Hazardous Air Pollutants for the source category Miscellaneous Organic Chemical Production and Processes (''MON''), scheduled to be published under the authority of Section 112 of the Clean Air Act (''CAA''). The MON is currently scheduled to be published as a final rulemaking in November of 2000, with air emission controls expected to be required approximately three years later. Under this XL project, the Sistersville Plant will install and operate organic air emission controls on the capper unit approximately five years earlier than EPA expects the controls to be required by the MON. Based on current production levels, the Sistersville Plant estimates these incinerator vent controls will reduce the facility's organic air emissions by about 309,000 pounds per year.

The Sistersville Plant will also recover and reuse an estimated 500,000 pounds per year of methanol that would otherwise be disposed of through the on-site wastewater treatment system, and will reduce approximately 50,000 pounds per year of organic air emissions from the wastewater treatment system. These modifications will reduce sludge generation from the wastewater system, that would otherwise be disposed of in an onsite landfill, by an estimated 815,000 pounds per year. In addition, the Sistersville Plant has committed to conduct a waste minimization/pollution prevention (''WMPP'') study which is expected to result in additional reductions in waste generation at the facility. These initiatives are described further in section III of today's preamble. Absent today's action, there are no existing or anticipated applicable regulations that would require the Sistersville Plant to perform the environmentally beneficial measures of the methanol recovery and WMPP initiatives.

As an incentive for the Sistersville Plant to install the incinerator vent controls, recover and re-use the

methanol, and to conduct the WMPP study, the EPA considers it appropriate to temporarily defer other regulatory requirements applicable to the Sistersville Plant. Specifically, EPA is today publishing a temporary, conditional deferral from the RCRA Subpart CC organic air emission control requirements applicable to the facility's two hazardous waste surface impoundments. The deferral is from the RCRA Subpart CC surface impoundment standards codified at 40 CFR 264.1085 and 40 CFR 265.1086, as well as associated requirements that are referenced in or by 40 CFR 264.1085 and 265.1086 that would otherwise apply to the two hazardous waste surface impoundments. The provisions of 40 CFR 264.1085 and 265.1086 would have required the Sistersville Plant to install organic vapor suppressing covers on the two existing hazardous waste surface impoundments. The deferred provisions referenced in or by 40 CFR 264.1085 and 265.1086 are the compliance assurance requirements that directly relate to the air emission control requirements for surface impoundments codified at 40 CFR 264.1085 and 265.1086. Since EPA is today temporarily deferring the requirements for the Sistersville Plant to comply with the RCRA Subpart CC air emission control requirements applicable to its two hazardous waste surface impoundments, EPA is also temporarily deferring those requirements directly related to air emission controls on surface impoundments; specifically, the inspection and monitoring requirements codified at 40 CFR 264.1088 and 265.1089, the recordkeeping requirements codified at 40 CFR 264.1089 and 265.1090, and the reporting requirements codified at 40 CFR 264.1090, as each relate to the two hazardous waste surface impoundments at the Sistersville Plant.

The Sistersville Plant estimates that, if implemented, installation and operation of the required RCRA Subpart CC air emission controls on the two surface impoundments would result in a total organic emission reduction of 45,000 pounds per year. In lieu of installing surface impoundment covers to comply with RCRA Subpart CC (either in absence of this XL project, or when this project concludes), the Sistersville Plant plans to close the two hazardous waste impoundments, and install two wastewater treatment tanks to serve in their place. The replacement wastewater treatment tanks would most likely be exempt from RCRA requirements, under 40 CFR 264.1(g)(6) and 40 CFR 265.1(c)(10); thus, the RCRA Subpart CC standards would not be applicable to those tanks. There are no currently-applicable regulations that would require air emission controls on such tanks; however, the Agency anticipates that the MON will be applicable to such tanks, and may require that they be equipped with organic emission controls. Therefore, it is reasonable to assume that in absence of this XL Project, the organic air emissions attributed to the Sistersville Plant's two hazardous waste surface impoundments would be transferred to two RCRA-exempt wastewater treatment tanks, and would not be controlled for approximately five years.

3. Economic Benefits

The Sistersville Plant estimates that the costs it will incur as a result of the RCRA Subpart CC standards being applicable to its two hazardous waste surface impoundments would be $2,500,000. Of that total, $2,000,000 would be for construction of wastewater treatment tanks to replace the surface impoundments, and $500,000 would be for performance of RCRA closure requirements for the two existing hazardous waste impoundments. In contrast to these compliance options, the Sistersville Plant estimates that the cost to install the incinerator and the process vent controls on the capper unit, to implement the methanol recovery operation, and to conduct the WMPP initiatives will be $700,000.

The Sistersville Plant considers it economically beneficial to spend the resources to install a thermal incinerator and process vent controls five years before those controls are likely to be required by federal regulation, and to implement a methanol recovery operation and implement a WMPP study, in exchange for deferring for five years the cost of $2,500,000 that they estimate would be required to implement their planned approach to the RCRA Subpart CC surface impoundment requirements.

4. Stakeholder Involvement

Stakeholder involvement during the Project development stage was cultivated in several ways. The methods included communicating through the media (newspaper and radio announcements), directly contacting interested parties, and offering an educational program on the regulatory programs impacted by the XL project. Stakeholders have been kept informed on the project status via mailing lists, newspaper articles, public meetings and the establishment of a public file at the Sistersville Public Library and EPA Region 3 offices.

A local environmental group, the Ohio Valley Environmental Coalition, was contacted but stated that they did not have time to participate actively in the development of the XL project. However, a representative from NRDC, a national environmental interest group, has participated in conference call meetings with the Project XL team and provided comments during the development of the FPA. This representative continues to be notified of all XL project meetings and activities. There are few residences located near the facility, and, therefore, few local stakeholders other than employees of the facility have expressed interest in actively participating in the development of the project. However, the Sistersville Plant has provided stakeholders with regular Project development updates by circulating meeting and conference call minutes. In June of 1997, an announcement of the availability of the draft FPA was published in local newspapers and the **Federal Register**, and the draft FPA was widely distributed for public comment. In addition, during the public comment period the Sistersville Plant hosted a general public meeting to present the draft FPA. In response to a request from the Environmental Defense Fund, EPA extended the public comment period on the proposed FPA by 30 days. EPA received four very positive comments during the public comment period for the draft FPA. After the comment period had closed, a comment letter was received from a citizen who was concerned about the installation of what he believed was a toxic waste incinerator. EPA has responded to this citizen's concern by providing further explanation of the project and the environmental benefits that will result from the installation and operation of the vent incinerator as well as other aspects of the project. Copies of all the comment letters, as well as EPA's response to the concerned citizen's letter, are located in the rulemaking Docket (see the **ADDRESSES** section of today's preamble).

As this XL project continues to be implemented, the stakeholder involvement program will shift its focus to ensure that: (1) Stakeholders are apprised of the status of project construction and operation, and (2) stakeholders have access to information sufficient to judge the success of this Project XL initiative. Anticipated stakeholder involvement during the term of the project will likely include other general public meetings to present periodic status reports, availability of

data and other information generated, and appointment of an OSi Sistersville Plant Project XL contact at the facility to serve as a resource for the community. In addition to the EPA and WVDEP reporting requirements of today's rulemaking, the FPA includes provisions whereby the Sistersville Plant will make copies of semiannual and annual project reports available to all interested parties. A public file on this XL project has been maintained at the local Sistersville library throughout project development, and will continue to be updated as the project is implemented.

A detailed description of this program and the stakeholder support for this project is included in the Final Project Agreement, which is available through the docket or through EPA's Project XL site on the Internet (see **ADDRESSES** section of this preamble).

5. Regulatory Implementation Approach

Today's action would provide the Sistersville Plant with a temporary, conditional deferral from the applicability of certain existing RCRA Subpart CC regulatory requirements. This action would allow the Sistersville Plant to continue to operate the two hazardous waste surface impoundments without installing the organic air emission controls that are required for those types of units under the RCRA Subpart CC Federal regulations. Today's site-specific deferral from RCRA Subpart CC surface impoundment requirements is conditioned upon the Sistersville Plant's continuous compliance with the environmentally beneficial initiatives that were developed for this XL project. Those initiatives are described in Section III.A of today's preamble, and further detailed in the FPA.

The state of West Virginia is not yet authorized under the Hazardous and Solid Waste Amendments (HSWA) to implement the RCRA Subpart CC air regulations. However, West Virginia regulations, codified in 45 Code of State Regulations 25 (''WV 45 CSR 25''), contain the same technical requirements as the Federal regulations of RCRA Subpart CC. The Sistersville Plant is subject to the West Virginia State Regulations, which would include requirements that the two hazardous waste surface impoundments be operated with organic air emission controls. Thus, to implement this XL project, the WVDEP and the Sistersville Plant have negotiated and executed a consent order under the authority of W.Va. Code § 22–4–5. A copy of that consent order is available in the docket for today's rulemaking. The consent order defers application of the organic air emission requirements of WV 45 CSR 25, which would otherwise be applicable to the hazardous waste surface impoundments at the Sistersville Plant. The state consent order will implement the deferral from WV 45 CSR 25 for the same effective period that today's rulemaking will implement a temporary, conditional deferral from Federal RCRA Subpart CC requirements. Essentially, the consent order implements this XL project at the State level, while today's rulemaking implements the project at the Federal level.

West Virginia is expected to adopt today's rulemaking during their 1999 State Legislative Session. After that adoption, WVDEP will directly implement the Code of State Regulations (''CSR'') that contain the temporary, conditional deferral of today's rulemaking. As with today's rulemaking, the state consent order's temporary deferral from WV 45 CSR 25 surface impoundment requirements is conditioned upon the Sistersville Plant's continuous compliance with the environmentally beneficial requirements developed under this XL project. Similarly, when today's Federal rulemaking is adopted into the West Virginia CSR, as described above, the Sistersville Plant will be required to comply with those environmental requirements in order to maintain the temporary deferral from surface impoundment requirements of WV 45 CSR 25. The state adoption of today's rulemaking will result in a slight change in the way this XL project is implemented at the state level, but it will not result in any changes to the environmentally beneficial requirements to which the Sistersville Plant is subject, or to the nature of the Sistersville Plant's deferral from hazardous waste surface impoundment air emission control requirements.

It is the intent of the EPA and the WVDEP to incorporate the provisions of today's rulemaking and the WV state consent order into the Sistersville Plant's permits, as appropriate. This would be accomplished in the normal course of reissuance of the RCRA part B permit, and in any other permits when issued in their normal course. Although today's rulemaking action temporarily defers the applicability of RCRA Subpart CC air emission control requirements to the two hazardous waste surface impoundments, today's action does not affect the Sistersville Plant's RCRA permitting requirements under 40 CFR 270.27. Those permitting requirements are applicable to air emission control equipment operated in accordance with RCRA Subpart CC. Today's action temporarily defers the applicability of those air emission control requirements to the Sistersville Plant surface impoundments; but if there is a time that the Sistersville Plant installs air emission controls on those hazardous waste surface impoundments, the applicable information would be required to be reflected in the Plant's RCRA part B permit.

The only Federal regulation that today's temporary, conditional deferral affects is the RCRA Subpart CC organic air emission standards. Furthermore, the only aspect of those standards that today's rulemaking affects is the applicability of the organic air emission standards to the two hazardous waste surface impoundments at the Sistersville Plant. Similarly, the only State regulatory requirements that are affected by the state consent order are WV 45 CSR 25 requirements applicable to organic air emission controls for the two hazardous waste surface impoundments at the Sistersville Plant. The EPA emphasizes that today's rulemaking action, and the state consent order that parallels today's action, do not affect the provisions or applicability of any other existing or future regulations; furthermore, the applicability of today's rulemaking and the parallel state consent order are limited in scope to the Sistersville Plant.

6. Project Duration and Completion

As with all XL projects testing alternative environmental protection strategies, the term of the Sistersville Plant XL project is one of limited duration. Section 264.1080(f)(3) of today's rule provides that the temporary deferral of the RCRA Subpart CC air emission requirements for the surface impoundments at the Sistersville Plant will expire on the ''MON Compliance Date.'' Today's rule defines the ''MON Compliance Date'' as three years after the effective date of the MON. As described in Section II.B.2 of this preamble, air emission controls for the MON source category are scheduled to become final in late 2000, and air emission controls for MON sources are to be required three years after that date. Accordingly, this XL project will not continue after that time, and the Sistersville Plant will thereafter be subject to those requirements deferred by today's rule, if applicable. However, the Sistersville Plant may propose to EPA a new Project XL to take effect after that time.

Today's rule provides for an orderly transition from the requirements of this XL project to those requirements which

will apply to the facility after the project ends. Pursuant to 40 CFR 264.1080(f)(3)(iii) and 264.1080(g)(1)(ii) of today's rulemaking, the Sistersville Plant is required to submit to EPA an implementation schedule specifying how the Sistersville Plant will come into compliance with the requirements that are deferred by today's rule. The implementation schedule must be submitted to EPA eighteen months prior to the MON Compliance Date, and must meet the requirements of 40 CFR 264.1080(g)(1)(iii) of today's rule. In no event will the implementation schedule extend beyond the MON Compliance Date. The implementation schedule submitted by the Sistersville Plant must contain interim calendar, or ''milestone,'' dates for the purchase and installation of equipment, performance testing, and other measures as may be necessary for the Sistersville Plant to come into compliance with the deferred requirements.

Today's rule provides that the Sistersville Plant has the option within the above-described transitional period to *either* install equipment and take such other steps as may be necessary to comply with the deferred requirements (i.e., to bring the surface impoundments into compliance with 40 CFR 264.1085), *or* to install equipment and undertake such modifications as may be necessary so as to preclude the application of the deferred requirements (*i.e.*, such that 40 CFR 264.1085 is no longer applicable). Regardless of which approach the Sistersville Plant selects, those changes must be fully completed and implemented by the MON Compliance Date in order to provide uninterrupted environmental benefits, and a seamless transition for the Sistersville Plant to move from its XL project requirements to its otherwise applicable requirements.

Because Project XL is a voluntary and experimental program, today's rule contains provisions that allow the project to conclude prior to the MON Compliance Date, in the event that it is desirable or necessary to do so. For example, an early conclusion (or revocation ''for cause'' as set forth in 40 CFR 264.1080(f)(3)(iv) of today's rule) would be warranted if the project's environmental benefits do not meet the Project XL requirement for the achievement of ''superior'' environmental results, or if the capper unit is removed from service at the facility and no environmental benefits are realized from the air emission controls installed on the capper under this XL project. In addition, new laws or regulations may become applicable to the Sistersville Plant during the project term which might render the project impractical, or might contain regulatory requirements that supersede the ''superior'' environmental benefits that the Sistersville Plant is achieving under this project. Finally, upon reviewing a proposed transfer of ownership under 40 CFR 264.1080(f)(7) of today's rule, the Agency might determine that a future owner or operator of the facility does not adequately implement this XL project. Similarly, the Sistersville Plant may also request that the temporary deferral be revoked prior to the MON Compliance Date if this experimental project does not provide sufficient benefits for the company to justify continued participation. If an early conclusion to the project is determined to be appropriate, 40 CFR 264.1085(f)(3)(iv) of today's rule provides a mechanism for EPA to legally conclude the project prior to the MON Compliance Date, which would trigger the eighteen-month transitional period described earlier in this preamble discussion.

While both EPA and the Sistersville Plant have broad discretion and latitude to initiate an early conclusion of the project, both expect to exercise their good faith and judgment in determining whether exercising this option is appropriate. In this respect, and as provided in the FPA, EPA expects that it would not be necessary to exercise its discretion under this provision to conclude this project for ''minor'' noncompliance by the Sistersville Plant. However, as with any failure to comply with EPA regulations, the Agency retains its full authority to bring a formal or informal enforcement action (if necessary) to bring the Sistersville Plant back into compliance. Though the Agency has the option of concluding this project for noncompliance, EPA expects that this would be appropriate in response to material noncompliance by the Sistersville Plant (*e.g.*, substantial or repeated violations, failure to disclose material facts during the FPA development, etc.).

Finally, in the event that the XL project concludes (for whatever reason) prior to the MON Compliance Date, the Sistersville Plant must submit and comply with an implementation schedule (as described earlier in this preamble section) setting forth how the Sistersville Plant will come into compliance within the eighteen-month transitional period. The schedule shall reflect the Sistersville Plant's intent to use its best efforts to come into compliance as quickly as practicable within the eighteen-month transitional period; in no event will the implementation schedule extend beyond the MON Compliance Date. There is an important exception to the provision for an eighteen-month transitional period: if project conclusion occurs less than eighteen months prior to the MON Compliance Date, the Sistersville Plant still must come into compliance with all applicable requirements no later than the MON Compliance Date. In other words, concluding the project during the eighteen-month transitional period prior to the MON Compliance Date does not operate to extend the temporary conditional deferral beyond the MON Compliance Date.

III. Regulatory Requirements and Performance Standards

A. Capper Unit Control Requirements

Under this XL project, the Sistersville Plant will reduce air emissions and waste that would otherwise be generated by its capper unit. The organic air emission reduction will be accomplished by installing a vent system to collect the organic emissions from the capper unit process vents, and routing the organic vent stream to a thermal incinerator. The thermal vent incinerator will be required to reduce the organics in the vent stream 98% by weight. Upon installation of the thermal incinerator, the Sistersville Plant will conduct an initial performance test for the thermal incinerator, to determine an operating temperature that they consider appropriate to achieve the required 98% organic reduction. At that time, the Sistersville Plant will also conduct an initial inspection of the vent system to ensure there are no leaks, so that all organics collected in the vent system are routed to the thermal incinerator for treatment. Throughout the duration of this project, the Sistersville Plant will continue to monitor the thermal incinerator operating temperature, as an indication that the thermal vent incinerator is achieving the 98% organic reduction from the process vent stream. The EPA considers it appropriate to assume that operating the thermal vent incinerator at or above the temperature determined in the initial performance test will provide an adequate level of assurance that the incinerator is achieving an organic destruction efficiency of 98% by weight. However, since the achievement of the environmental benefits from this XL project is very dependent on the effectiveness of this thermal vent incinerator, the EPA may, at some time during the project term, consider it appropriate to request that the Sistersville Plant verify that the incinerator operating temperature is

achieving the required 98% reduction in organics.

B. Methanol Recovery

In addition to the organic air emission controls that the Sistersville Plant shall operate, this XL project will also result in a reduction of methanol discharged from the capper unit to the facility's wastewater treatment system. To accomplish this, the Sistersville Plant will operate a methanol recovery system that will collect the methanol that would otherwise be sent to the facility's on-site wastewater treatment system. The Sistersville Plant will attempt to recycle and re-use the collected methanol on-site, in lieu of virgin methanol. If the Sistersville Plant does not consider such re-use to be an economically feasible endeavor, it will attempt to sell the collected methanol to other facilities, for use in place of virgin methanol or for recovery. Only if these first two approaches are not viable, would the Sistersville Plant dispose of the collected methanol by routing it for thermal recovery, treatment, or bio-treatment. For the expected term of this XL project, the Sistersville Plant shall ensure that no more than five percent of the collected methanol is subject to bio-treatment; however, if the project is revoked prior to the MON Compliance Date, the Sistersville Plant is not subject to that five percent limit.

C. Waste Minimization/Pollution Prevention Study

An additional environmental benefit of this XL project is that the Sistersville Plant will conduct a WMPP study to explore new initiatives that could be employed at the facility. The Sistersville Plant shall conduct the WMPP study to identify and implement source reduction opportunities (as defined in EPA's Hazardous Waste Minimization National Plan, November 1994 (EPA 530/R–94/045) (''National Plan'')). The purposes of source reduction opportunities are to: (1) Reduce the amount of any hazardous substance, pollutant, or contaminant entering a waste stream or otherwise released into the environment (including fugitive emissions) prior to recycling, treatment, or disposal; and (2) reduce the hazards to public health and the environment associated with the release of such substances, pollutants, or contaminants. For those waste streams that the Sistersville Plant concludes cannot be reduced at the source, the WMPP initiative will identify sound recycling opportunities (as defined in the National Plan), and evaluate the feasibility of implementing such recycling opportunities at the Sistersville Plant. One focus of the WMPP initiative shall be the reduction of specific constituents listed in 40 CFR 264.1080(f)(8) of today's rulemaking, to the extent that such constituents are found in waste streams at the Sistersville Plant.

IV. Additional Information

A. Public Hearing

A public hearing will be held, if requested, to provide opportunity for interested persons to make verbal presentations regarding this regulation in accordance with 42 U.S.C. § 7004(b)(1); 40 CFR part 25. Persons wishing to make a verbal presentation on the site specific rule to implement the OSi Sistersville Plant XL project should contact Mr. Tad Radzinski of the Region 3 EPA office, at the address given in the **ADDRESSES** section of this document. Any member of the public may file a written statement before the hearing, or after the hearing, to be received by EPA no later than March 27, 1998. Written statements should be sent to EPA at the addresses given in the **ADDRESSES** section of this document. If a public hearing is held, a verbatim transcript of the hearing, and written statements provided at the hearing will be available for inspection and copying during normal business hours at the EPA addresses for docket inspection given in the **ADDRESSES** section of this preamble.

B. Executive Order 12866

Under Executive Order 12866 (58 FR 51735, October 4, 1993) the Agency must determine whether the regulatory action is ''significant'' and therefore subject to 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 in 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 entitlement, grants, user fees, or loan programs of 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.

Because the annualized cost of this final rule would be significantly less than $100 million and would not meet any of the other criteria specified in the Executive Order, it has been determined that this rule is not a ''significant regulatory action'' under the terms of Executive Order 12866, and is therefore not subject to OMB review.

Executive Order 12866 also encourages agencies to provide a meaningful public comment period, and suggests that in most cases the comment period should be sixty days. However, in consideration of the very limited scope of today's site-specific rulemaking, and the previous opportunity for public comment (which included the details of today's rulemaking) that EPA provided with the proposed FPA (see 62 FR 34748, June 27, 1997), the EPA considers twenty-one days to be sufficient in providing a meaningful public comment period for today's action.

C. Regulatory Flexibility

The Regulatory Flexibility Act (RFA) generally requires an agency to conduct a regulatory flexibility analysis of any rule subject to notice and comment rulemaking requirements unless the agency certifies that the rule will not have a significant economic impact on a substantial number of small entities. Small entities include small businesses, small not-for-profit enterprises, and small governmental jurisdictions. This rule will not have a significant impact on a substantial number of small entities because it only affects one facility, the OSi Sistersville Plant in Sistersville, West Virginia. The Sistersville Plant is not a small entity. Therefore, EPA certifies that this action will not have a significant economic impact on a substantial number of small entities.

The Congressional Review Act, 5 U.S.C. Section 801 *et seq.*, as added by the Small Business Regulatory Enforcement Fairness Act of 1996, generally provides that before a rule may take effect, the Agency promulgating the rule must submit a rule report, which includes a copy of the rule, to each House of the Congress and the Comptroller General of the United States. Section 804, however, exempts from Section 801 the following types of rules: rules of particular applicability; rules relating to Agency management or personnel; and rules of Agency organization, procedure, or practice that do not substantially affect the rights or obligations of non-Agency parties. 5 U.S.C. Section 804(3). EPA is not required to submit a rule report regarding today's action under Section

801 because this is a rule of particular applicability.

D. Paperwork Reduction Act

This action applies only to one company, and therefore requires no information collection activities subject to the Paperwork Reduction Act, and therefore no information collection request (ICR) will be submitted to OMB for review in compliance with the Paperwork Reduction Act, 44 U.S.C. 3501, *et seq.*

E. Unfunded Mandates Reform Act

Title II of the Unfunded Mandates Reform Act of 1995 (UMRA), Public Law 104–4, establishes requirements for Federal agencies to assess the effects of their regulatory actions on State, local, and tribal governments and the private sector. Under section 202 of the UMRA, EPA generally must prepare a written statement, including a cost-benefit analysis, for proposed and final rules with ''Federal mandates'' that may result in expenditures to State, local, and tribal governments, in the aggregate, or to the private sector, of $100 million or more in any one year. Before promulgating an EPA rule for which a written statement is needed, section 205 of the UMRA generally requires EPA to identify and consider a reasonable number of regulatory alternatives and adopt the least costly, most cost-effective or least burdensome alternative that achieves the objectives of the rule. The provisions of section 205 do not apply when they are inconsistent with applicable law. Moreover, section 205 allows EPA to adopt an alternative other than the least costly, most cost-effective or least burdensome alternative if the Administrator publishes with the final rule an explanation of why that alternative was not adopted. Before EPA establishes any regulatory requirements that may significantly or uniquely affect small governments, including tribal governments, it must have developed under section 203 of the UMRA a small government agency plan. The plan must provide for notifying potentially affected small governments, enabling officials of affected small governments to have meaningful and timely input in the development of EPA regulatory proposals with significant Federal intergovernmental mandates, and informing, educating, and advising small governments on compliance with the regulatory requirements.

As noted above, this rule is applicable only to the OSi Sistersville Plant, located near Sistersville, West Virginia. The EPA has determined that this rule contains no regulatory requirements that might significantly or uniquely affect small governments. EPA has also determined that this rule does not contain a Federal mandate that may result in expenditures of $100 million or more for State, local, and tribal governments, in the aggregate, or the private sector in any one year. Thus, today's rule is not subject to the requirements of sections 202 and 205 of the UMRA.

F. April 1, 1998 Effective Date

The Agency finds that good cause exists under section 3010(b)(3) of RCRA (42 U.S.C. 6903(b)(3)) to publish this site-specific regulation as a direct final rule with an effective date less than six months from date of promulgation. Today's direct final rule affects only one facility, and is limited in its scope to a temporary conditional deferral of a relatively narrow set of RCRA regulations. As such, it is designed to provide greater flexibility only to the OSi Specialties, Inc. Sistersville Plant, and does not impose additional regulatory requirements on other regulated entities.

In addition, the local community to be affected by this XL project, as well as other interested stakeholders, have been involved during the development of this pilot project. In addition to regular consultations and information exchanges, there also was opportunity for the public to comment on the features represented by this XL project. A **Federal Register** publication announced the availability of the proposed FPA for this XL project, and provided a 30 day public comment period. See 62 FR 34748, June 27, 1997. Today's direct final rule does not represent a significant departure from the terms and conditions contained in that FPA.

List of Subjects

40 CFR Part 264

Environmental protection, Air pollution control, Control device, Hazardous waste, Monitoring, Reporting and recordkeeping requirements, Surface impoundment, Treatment storage and disposal facility, Waste determination.

40 CFR Part 265

Environmental protection, Air pollution control, Control device, Hazardous waste, Monitoring, Reporting and recordkeeping requirements, Surface impoundment, Treatment storage and disposal facility, Waste determination.

Dated: February 26, 1998.

Carol M. Browner,

Administrator.

For the reasons set forth in the preamble, parts 264 and 265 of chapter I of title 40 of the Code of Federal Regulations are amended as follows:

PART 264—STANDARDS FOR OWNERS AND OPERATORS OF HAZARDOUS WASTE TREATMENT, STORAGE, AND DISPOSAL FACILITIES

1. The authority citation for part 264 continues to read as follows:

Authority: 42 U.S.C. 6905, 6912(a), 6924, and 6925.

Subpart CC—Air Emission Standards for Tanks, Surface Impoundments, and Containers

2. Section 264.1080 is amended by adding paragraphs (f) and (g) to read as follows:

§ 264.1080 Applicability.

* * * * *

(f) This paragraph (f) applies only to the facility commonly referred to as the OSi Specialties Plant, located on State Route 2, Sistersville, West Virginia (''Sistersville Plant'').

(1)(i) Provided that the Sistersville Plant is in compliance with the requirements of paragraph (f)(2) of this section, the requirements referenced in paragraphs (f)(1)(iii) and (f)(1)(iv) of this section are temporarily deferred, as specified in paragraph (f)(3) of this section, with respect to the two hazardous waste surface impoundments at the Sistersville Plant. Beginning on the date that paragraph (f)(1)(ii) of this section is first implemented, the temporary deferral described in this paragraph shall no longer be effective.

(ii)(A) In the event that a notice of revocation is issued pursuant to paragraph (f)(3)(iv) of this section, the requirements referenced in paragraphs (f)(1)(iii) and (f)(1)(iv) of this section are temporarily deferred, with respect to the two hazardous waste surface impoundments, provided that the Sistersville Plant is in compliance with the requirements of paragraphs (f)(2)(ii), (f)(2)(iii), (f)(2)(iv), (f)(2)(v), (f)(2)(vi) and (g) of this section, except as provided under paragraph (f)(1)(ii)(B) of this section. The temporary deferral described in the previous sentence shall be effective beginning on the date the Sistersville Plant receives written notification of revocation, and continuing for a maximum period of 18 months from that date, provided that the Sistersville Plant is in compliance with

the requirements of paragraphs (f)(2)(ii), (f)(2)(iii), (f)(2)(iv), (f)(2)(v), (f)(2)(vi) and (g) of this section at all times during that 18-month period. In no event shall the temporary deferral continue to be effective after the MON Compliance Date as defined in paragraph (f)(6) of this section.

(B) In the event that a notification of revocation is issued pursuant to paragraph (f)(3)(iv) of this section as a result of the permanent removal of the capper unit from methyl capped polyether production service, the requirements referenced in paragraphs (f)(1)(iii) and (f)(1)(iv) of this section are temporarily deferred, with respect to the two hazardous waste surface impoundments, provided that the Sistersville Plant is in compliance with the requirements of paragraphs (f)(2)(vi), and (g) of this section. The temporary deferral described in the previous sentence shall be effective beginning on the date the Sistersville Plant receives written notification of revocation, and continuing for a maximum period of 18 months from that date, provided that the Sistersville Plant is in compliance with the requirements of paragraphs (f)(2)(vi) and (g) of this section at all times during that 18-month period. In no event shall the temporary deferral continue to be effective after the MON Compliance Date.

(iii) The standards in § 264.1085 of this part, and all requirements referenced in or by § 264.1085 that otherwise would apply to the two hazardous waste surface impoundments, including the closed-vent system and control device requirements of § 264.1087 of this part.

(iv) The reporting requirements of § 264.1090 of this part that are applicable to surface impoundments and/or to closed-vent systems and control devices associated with a surface impoundment.

(2) Notwithstanding the effective period and revocation provisions in paragraph (f)(3) of this section, the temporary deferral provided in paragraph (f)(1)(i) of this section is effective only if the Sistersville Plant meets the requirements of paragraph (f)(2) of this section.

(i) The Sistersville Plant shall install an air pollution control device on the polyether methyl capper unit (''capper unit''), implement a methanol recovery operation, and implement a waste minimization/pollution prevention (''WMPP'') project. The installation and implementation of these requirements shall be conducted according to the schedule described in paragraphs (f)(2)(i) and (f)(2)(vi) of this section.

(A) The Sistersville Plant shall complete the initial start-up of a thermal incinerator on the capper unit's process vents from the first stage vacuum pump, from the flash pot and surge tank, and from the water stripper, no later than April 1, 1998.

(B) The Sistersville Plant shall provide to the EPA and the West Virginia Department of Environmental Protection, written notification of the actual date of initial start-up of the thermal incinerator, and commencement of the methanol recovery operation. The Sistersville Plant shall submit this written notification as soon as practicable, but in no event later than 15 days after such events.

(ii) The Sistersville Plant shall install and operate the capper unit process vent thermal incinerator according to the requirements of paragraphs (f)(2)(ii)(A) through (f)(2)(ii)(D) of this section.

(A) Capper unit process vent thermal incinerator.

(*1*) Except as provided under paragraph (f)(2)(ii)(D) of this section, the Sistersville Plant shall operate the process vent thermal incinerator such that the incinerator reduces the total organic compounds (''TOC'') from the process vent streams identified in paragraph (f)(2)(i)(A) of this section, by 98 weight-percent, or to a concentration of 20 parts per million by volume, on a dry basis, corrected to 3 percent oxygen, whichever is less stringent.

(*i*) Prior to conducting the initial performance test required under paragraph (f)(2)(ii)(B) of this section, the Sistersville Plant shall operate the thermal incinerator at or above a minimum temperature of 1600 Fahrenheit.

(*ii*) After the initial performance test required under paragraph (f)(2)(ii)(B) of this section, the Sistersville Plant shall operate the thermal incinerator at or above the minimum temperature established during that initial performance test.

(*iii*) The Sistersville Plant shall operate the process vent thermal incinerator at all times that the capper unit is being operated to manufacture product.

(*2*) The Sistersville Plant shall install, calibrate, and maintain all air pollution control and monitoring equipment described in paragraphs (f)(2)(i)(A) and (f)(2)(ii)(B)(*3*) of this section, according to the manufacturer's specifications, or other written procedures that provide adequate assurance that the equipment can reasonably be expected to control and monitor accurately, and in a manner consistent with good engineering practices during all periods when emissions are routed to the unit.

(B) The Sistersville Plant shall comply with the requirements of paragraphs (f)(2)(ii)(B)(*1*) through (f)(2)(ii)(B)(*3*) of this section for performance testing and monitoring of the capper unit process vent thermal incinerator.

(*1*) Within sixty (60) days after thermal incinerator initial start-up, the Sistersville Plant shall conduct a performance test to determine the minimum temperature at which compliance with the emission reduction requirement specified in paragraph (f)(4) of this section is achieved. This determination shall be made by measuring TOC minus methane and ethane, according to the procedures specified in paragraph (f)(2)(ii)(B) of this section.

(*2*) The Sistersville Plant shall conduct the initial performance test in accordance with the standards set forth in paragraph (f)(4) of this section.

(*3*) Upon initial start-up, the Sistersville Plant shall install, calibrate, maintain and operate, according to manufacturer's specifications and in a manner consistent with good engineering practices, the monitoring equipment described in paragraphs (f)(2)(ii)(B)(*3*)(*i*) through (f)(2)(ii)(B)(*3*)(*iii*) of this section.

(*i*) A temperature monitoring device equipped with a continuous recorder. The temperature monitoring device shall be installed in the firebox or in the duct work immediately downstream of the firebox in a position before any substantial heat exchange is encountered.

(*ii*) A flow indicator that provides a record of vent stream flow to the incinerator at least once every fifteen minutes. The flow indicator shall be installed in the vent stream from the process vent at a point closest to the inlet of the incinerator.

(*iii*) If the closed-vent system includes bypass devices that could be used to divert the gas or vapor stream to the atmosphere before entering the control device, each bypass device shall be equipped with either a bypass flow indicator or a seal or locking device as specified in this paragraph. For the purpose of complying with this paragraph, low leg drains, high point bleeds, analyzer vents, open-ended valves or lines, spring-loaded pressure relief valves, and other fittings used for safety purposes are not considered to be bypass devices. If a bypass flow indicator is used to comply with this paragraph, the bypass flow indicator shall be installed at the inlet to the bypass line used to divert gases and vapors from the closed-vent system to

the atmosphere at a point upstream of the control device inlet. If a seal or locking device (*e.g.*, car-seal or lock-and-key configuration) is used to comply with this paragraph, the device shall be placed on the mechanism by which the bypass device position is controlled (*e.g.*, valve handle, damper levels) when the bypass device is in the closed position such that the bypass device cannot be opened without breaking the seal or removing the lock. The Sistersville Plant shall visually inspect the seal or locking device at least once every month to verify that the bypass mechanism is maintained in the closed position.

(C) The Sistersville Plant shall keep on-site an up-to-date, readily accessible record of the information described in paragraphs (f)(2)(ii)(C)(*1*) through (f)(2)(ii)(C)(*4*) of this section.

(*1*) Data measured during the initial performance test regarding the firebox temperature of the incinerator and the percent reduction of TOC achieved by the incinerator, and/or such other information required in addition to or in lieu of that information by the WVDEP in its approval of equivalent test methods and procedures.

(*2*) Continuous records of the equipment operating procedures specified to be monitored under paragraph (f)(2)(ii)(B)(*3*) of this section, as well as records of periods of operation during which the firebox temperature falls below the minimum temperature established under paragraph (f)(2)(ii)(A)(*1*) of this section.

(*3*) Records of all periods during which the vent stream has no flow rate to the extent that the capper unit is being operated during such period.

(*4*) Records of all periods during which there is flow through a bypass device.

(D) The Sistersville Plant shall comply with the start-up, shutdown, maintenance and malfunction requirements contained in paragraphs (f)(2)(ii)(D)(*1*) through (f)(2)(ii)(D)(*6*) of this section, with respect to the capper unit process vent incinerator.

(*1*) The Sistersville Plant shall develop and implement a Start-up, Shutdown and Malfunction Plan as required by the provisions set forth in paragraph (f)(2)(ii)(D) of this section. The plan shall describe, in detail, procedures for operating and maintaining the thermal incinerator during periods of start-up, shutdown and malfunction, and a program of corrective action for malfunctions of the thermal incinerator.

(*2*) The plan shall include a detailed description of the actions the Sistersville Plant will take to perform the functions described in paragraphs (f)(2)(ii)(D)(*2*)(*i*) through (f)(2)(ii)(D)(*2*)(*iii*) of this section.

(*i*) Ensure that the thermal incinerator is operated in a manner consistent with good air pollution control practices.

(*ii*) Ensure that the Sistersville Plant is prepared to correct malfunctions as soon as practicable after their occurrence in order to minimize excess emissions.

(*iii*) Reduce the reporting requirements associated with periods of start-up, shutdown and malfunction.

(*3*) During periods of start-up, shutdown and malfunction, the Sistersville Plant shall maintain the process unit and the associated thermal incinerator in accordance with the procedures set forth in the plan.

(*4*) The plan shall contain record keeping requirements relating to periods of start-up, shutdown or malfunction, actions taken during such periods in conformance with the plan, and any failures to act in conformance with the plan during such periods.

(*5*) During periods of maintenance or malfunction of the thermal incinerator, the Sistersville Plant may continue to operate the capper unit, provided that operation of the capper unit without the thermal incinerator shall be limited to no more than 240 hours each calendar year.

(*6*) For the purposes of paragraph (f)(2)(iii)(D) of this section, the Sistersville Plant may use its operating procedures manual, or a plan developed for other reasons, provided that plan meets the requirements of paragraph (f)(2)(iii)(D) of this section for the start-up, shutdown and malfunction plan.

(iii) The Sistersville Plant shall operate the closed-vent system in accordance with the requirements of paragraphs (f)(2)(iii)(A) through (f)(2)(iii)(D) of this section.

(A) Closed-vent system.

(*1*) At all times when the process vent thermal incinerator is operating, the Sistersville Plant shall route the vent streams identified in paragraph (f)(2)(i) of this section from the capper unit to the thermal incinerator through a closed-vent system.

(*2*) The closed-vent system will be designed for and operated with no detectable emissions, as defined in paragraph (f)(6) of this section.

(B) The Sistersville Plant will comply with the performance standards set forth in paragraph (f)(2)(iii)(A)(*1*) of this section on and after the date on which the initial performance test referenced in paragraph (f)(2)(ii)(B) of this section is completed, but no later than sixty (60) days after the initial start-up date.

(C) The Sistersville Plant shall comply with the monitoring requirements of paragraphs (f)(2)(iii)(C)(*1*) through (f)(2)(iii)(C)(*3*) of this section, with respect to the closed-vent system.

(*1*) At the time of the performance test described in paragraph (f)(2)(ii)(B) of this section, the Sistersville Plant shall inspect the closed-vent system as specified in paragraph (f)(5) of this section.

(*2*) At the time of the performance test described in paragraph (f)(2)(ii)(B) of this section, and annually thereafter, the Sistersville Plant shall inspect the closed-vent system for visible, audible, or olfactory indications of leaks.

(*3*) If at any time a defect or leak is detected in the closed-vent system, the Sistersville Plant shall repair the defect or leak in accordance with the requirements of paragraphs (f)(2)(iii)(C)(*3*)(*i*) and (f)(2)(iii)(C)(*3*)(*ii*) of this section.

(*i*) The Sistersville Plant shall make first efforts at repair of the defect no later than five (5) calendar days after detection, and repair shall be completed as soon as possible but no later than forty-five (45) calendar days after detection.

(*ii*) The Sistersville Plant shall maintain a record of the defect repair in accordance with the requirements specified in paragraph (f)(2)(iii)(D) of this section.

(D) The Sistersville Plant shall keep on-site up-to-date, readily accessible records of the inspections and repairs required to be performed by paragraph (f)(2)(iii) of this section.

(iv) The Sistersville Plant shall operate the methanol recovery operation in accordance with paragraphs (f)(2)(iv)(A) through (f)(2)(iv)(C) of this section.

(A) The Sistersville Plant shall operate the condenser associated with the methanol recovery operation at all times during which the capper unit is being operated to manufacture product.

(B) The Sistersville Plant shall comply with the monitoring requirements described in paragraphs (f)(2)(B)(*1*) through (f)(2)(B)(*3*) of this section, with respect to the methanol recovery operation.

(*1*) The Sistersville Plant shall perform measurements necessary to determine the information described in paragraphs (f)(2)(iv)(B)(*1*)(*i*) and (f)(2)(iv)(B)(*1*)(*ii*) of this section to demonstrate the percentage recovery by weight of the methanol contained in the influent gas stream to the condenser.

(*i*) Information as is necessary to calculate the annual amount of methanol generated by operating the capper unit.

(*ii*) The annual amount of methanol recovered by the condenser associated with the methanol recovery operation.

(*2*) The Sistersville Plant shall install, calibrate, maintain and operate according to manufacturer specifications, a temperature monitoring device with a continuous recorder for the condenser associated with the methanol recovery operation, as an indicator that the condenser is operating.

(*3*) The Sistersville Plant shall record the dates and times during which the capper unit and the condenser are operating.

(C) The Sistersville Plant shall keep on-site up-to-date, readily-accessible records of the parameters specified to be monitored under paragraph (f)(2)(iv)(B) of this section.

(v) The Sistersville Plant shall comply with the requirements of paragraphs (f)(2)(v)(A) through (f)(2)(v)(C) of this section for the disposition of methanol collected by the methanol recovery operation.

(A) On an annual basis, the Sistersville Plant shall ensure that a minimum of 95% by weight of the methanol collected by the methanol recovery operation (also referred to as the ''collected methanol'') is utilized for reuse, recovery, or thermal recovery/treatment. The Sistersville Plant may use the methanol on-site, or may transfer or sell the methanol for reuse, recovery, or thermal recovery/treatment at other facilities.

(*1*) Reuse. To the extent reuse of all of the collected methanol destined for reuse, recovery, or thermal recovery is not economically feasible, the Sistersville Plant shall ensure the residual portion is sent for recovery, as defined in paragraph (f)(6) of this section, except as provided in paragraph (f)(2)(v)(A)(*2*) of this section.

(*2*) Recovery. To the extent that reuse or recovery of all the collected methanol destined for reuse, recovery, or thermal recovery is not economically feasible, the Sistersville Plant shall ensure that the residual portion is sent for thermal recovery/treatment, as defined in paragraph (f)(6) of this section.

(*3*) The Sistersville Plant shall ensure that, on an annual basis, no more than 5% of the methanol collected by the methanol recovery operation is subject to bio-treatment.

(*4*) In the event the Sistersville Plant receives written notification of revocation pursuant to paragraph (f)(3)(iv) of this section, the percent limitations set forth under paragraph (f)(2)(v)(A) of this section shall no longer be applicable, beginning on the date of receipt of written notification of revocation.

(B) The Sistersville Plant shall perform such measurements as are necessary to determine the pounds of collected methanol directed to reuse, recovery, thermal recovery/treatment and bio-treatment, respectively, on a monthly basis.

(C) The Sistersville Plant shall keep on-site up-to-date, readily accessible records of the amounts of collected methanol directed to reuse, recovery, thermal recovery/treatment and bio-treatment necessary for the measurements required under paragraph (f)(2)(iv)(B) of this section.

(vi) The Sistersville Plant shall perform a WMPP project in accordance with the requirements and schedules set forth in paragraphs (f)(2)(vi)(A) through (f)(2)(vi)(C) of this section.

(A) In performing the WMPP Project, the Sistersville Plant shall use a Study Team and an Advisory Committee as described in paragraphs (f)(2)(vi)(A)(*1*) through (f)(2)(vi)(A)(*6*) of this section.

(*1*) At a minimum, the multi-functional Study Team shall consist of Sistersville Plant personnel from appropriate plant departments (including both management and employees) and an independent contractor. The Sistersville Plant shall select a contractor that has experience and training in WMPP in the chemical manufacturing industry.

(*2*) The Sistersville Plant shall direct the Study Team such that the team performs the functions described in paragraphs (f)(2)(vi)(A)(*2*)(*i*) through (f)(2)(vi)(A)(*2*)(*v*) of this section.

(*i*) Review Sistersville Plant operations and waste streams.

(*ii*) Review prior WMPP efforts at the Sistersville Plant.

(*iii*) Develop criteria for the selection of waste streams to be evaluated for the WMPP Project.

(*iv*) Identify and prioritize the waste streams to be evaluated during the study phase of the WMPP Project, based on the criteria described in paragraph (f)(2)(vi)(A)(*2*)(*iii*) of this section.

(*v*) Perform the WMPP Study as required by paragraphs (f)(2)(vi)(A)(*3*) through (f)(2)(vi)(A)(*5*), paragraph (f)(2)(vi)(B), and paragraph (f)(2)(vi)(C) of this section.

(*3*)(*i*) The Sistersville Plant shall establish an Advisory Committee consisting of a representative from EPA, a representative from WVDEP, the Sistersville Plant Manager, the Sistersville Plant Director of Safety, Health and Environmental Affairs, and a stakeholder representative(s).

(*ii*) The Sistersville Plant shall select the stakeholder representative(s) by mutual agreement of EPA, WVDEP and the Sistersville Plant no later than 20 days after receiving from EPA and WVDEP the names of their respective committee members.

(*4*) The Sistersville Plant shall convene a meeting of the Advisory Committee no later than thirty days after selection of the stakeholder representatives, and shall convene meetings periodically thereafter as necessary for the Advisory Committee to perform its assigned functions. The Sistersville Plant shall direct the Advisory Committee to perform the functions described in paragraphs (f)(2)(vi)(A)(*4*)(*i*) through (f)(2)(vi)(A)(*4*)(*iii*) of this section.

(*i*) Review and comment upon the Study Team's criteria for selection of waste streams, and the Study Team's identification and prioritization of the waste streams to be evaluated during the WMPP Project.

(*ii*) Review and comment upon the Study Team progress reports and the draft WMPP Study Report.

(*iii*) Periodically review the effectiveness of WMPP opportunities implemented as part of the WMPP Project, and, where appropriate, WMPP opportunities previously determined to be infeasible by the Sistersville Plant but which had potential for feasibility in the future.

(*5*) Beginning on January 15, 1998, and every ninety (90) days thereafter until submission of the final WMPP Study Report required by paragraph (f)(2)(vi)(C) of this section, the Sistersville Plant shall direct the Study Team to submit a progress report to the Advisory Committee detailing its efforts during the prior ninety (90) day period.

(B) The Sistersville Plant shall ensure that the WMPP Study and the WMPP Study Report meet the requirements of paragraphs (f)(2)(vi)(B)(*1*) through (f)(2)(vi)(B)(*3*) of this section.

(*1*) The WMPP Study shall consist of a technical, economic, and regulatory assessment of opportunities for source reduction and for environmentally sound recycling for waste streams identified by the Study Team.

(*2*) The WMPP Study shall evaluate the source, nature, and volume of the waste streams; describe all the WMPP opportunities identified by the Study Team; provide a feasibility screening to evaluate the technical and economical feasibility of each of the WMPP opportunities; identify any cross-media impacts or any anticipated transfers of risk associated with each feasible WMPP opportunity; and identify the projected economic savings and projected quantitative waste reduction

estimates for each WMPP opportunity identified.

(*3*) No later than October 19, 1998, the Sistersville Plant shall prepare and submit to the members of the Advisory Committee a draft WMPP Study Report which, at a minimum, includes the results of the WMPP Study, identifies WMPP opportunities the Sistersville Plant determines to be feasible, discusses the basis for excluding other opportunities as not feasible, and makes recommendations as to whether the WMPP Study should be continued. The members of the Advisory Committee shall provide any comments to the Sistersville Plant within thirty (30) days of receiving the WMPP Study Report.

(C) Within thirty (30) days after receipt of comments from the members of the Advisory Committee, the Sistersville Plant shall submit to EPA and WVDEP a final WMPP Study Report which identifies those WMPP opportunities the Sistersville Plant determines to be feasible and includes an implementation schedule for each such WMPP opportunity. The Sistersville Plant shall make reasonable efforts to implement all feasible WMPP opportunities in accordance with the priorities identified in the implementation schedule.

(*1*) For purposes of this paragraph (f), a WMPP opportunity is feasible if the Sistersville Plant considers it to be technically feasible (taking into account engineering and regulatory factors, product line specifications and customer needs) and economically practical (taking into account the full environmental costs and benefits associated with the WMPP opportunity and the company's internal requirements for approval of capital projects). For purposes of the WMPP Project, the Sistersville Plant should use ''An Introduction to Environmental Accounting as a Business Management Tool,'' (EPA 742/R–95/001) as one tool to identify the full environmental costs and benefits of each WMPP opportunity. This EPA publication is available from EPA by calling 1–800–490–9198.

(*2*) In implementing each WMPP opportunity, the Sistersville Plant shall, after consulting with the other members of the Advisory Committee, develop appropriate protocols and methods for determining the information required by paragraphs (f)(2)(vi)(*2*)(*i*) through (f)(2)(vi)(*2*)(*iii*) of this section.

(*i*) The overall volume of wastes reduced.

(*ii*) The quantities of each constituent identified in paragraph (f)(8) of this section reduced in the wastes.

(*iii*) The economic benefits achieved.

(*3*) No requirements of paragraph (f)(2)(vi) of this section are intended to prevent or restrict the Sistersville Plant from evaluating and implementing any WMPP opportunities at the Sistersville Plant in the normal course of its operations or from implementing, prior to the completion of the WMPP Study, any WMPP opportunities identified by the Study Team.

(vii) The Sistersville Plant shall maintain on-site each record required by paragraph (f)(2) of this section, through the MON Compliance Date.

(viii) The Sistersville Plant shall comply with the reporting requirements of paragraphs (f)(2)(viii)(A) through (f)(2)(viii)(G) of this section.

(A) At least sixty days prior to conducting the initial performance test of the thermal incinerator, the Sistersville Plant shall submit to EPA and WVDEP copies of a notification of performance test, as described in 40 CFR 63.7(b). Following the initial performance test of the thermal incinerator, the Sistersville Plant shall submit to EPA and WVDEP copies of the performance test results that include the information relevant to initial performance tests of thermal incinerators contained in 40 CFR 63.7(g)(1), 40 CFR 63.117(a)(4)(i), and 40 CFR 63.117(a)(4)(ii).

(B) Beginning in 1999, on January 31 of each year, the Sistersville Plant shall submit a semiannual written report to the EPA and WVDEP, with respect to the preceding six month period ending on December 31, which contains the information described in paragraphs (f)(2)(viii)(B)(*1*) through (f)(2)(viii)(B)(*10*) of this section.

(*1*) Instances of operating below the minimum operating temperature established for the thermal incinerator under paragraph (f)(2)(ii)(A)(*1*) of this section which were not corrected within 24 hours of onset.

(*2*) Any periods during which the capper unit was being operated to manufacture product while the flow indicator for the vent streams to the thermal incinerator showed no flow.

(*3*) Any periods during which the capper unit was being operated to manufacture product while the flow indicator for any bypass device on the closed vent system to the thermal incinerator showed flow.

(*4*) Information required to be reported during that six month period under the preconstruction permit issued under the state permitting program approved under subpart XX of 40 CFR Part 52—Approval and Promulgation of Implementation Plans for West Virginia.

(*5*) Any periods during which the capper unit was being operated to manufacture product while the condenser associated with the methanol recovery operation was not in operation.

(*6*) The amount (in pounds and by month) of methanol collected by the methanol recovery operation during the six month period.

(*7*) The amount (in pounds and by month) of collected methanol utilized for reuse, recovery, thermal recovery/treatment, or bio-treatment, respectively, during the six month period.

(*8*) The calculated amount (in pounds and by month) of methanol generated by operating the capper unit.

(*9*) The status of the WMPP Project, including the status of developing the WMPP Study Report.

(*10*) Beginning in the year after the Sistersville Plant submits the final WMPP Study Report required by paragraph (f)(2)(vi)(C) of this section, and continuing in each subsequent Semiannual Report required by paragraph (f)(2)(viii)(B) of this section, the Sistersville Plant shall report on the progress of the implementation of feasible WMPP opportunities identified in the WMPP Study Report. The Semiannual Report required by paragraph (f)(2)(viii)(B) of this section shall identify any cross-media impacts or impacts to worker safety or community health issues that have occurred as a result of implementation of the feasible WMPP opportunities.

(C) Beginning in 1999, on July 31 of each year, the Sistersville Plant shall provide an Annual Project Report to the EPA and WVDEP Project XL contacts containing the information required by paragraphs (f)(2)(viii)(C)(*1*) through (f)(2)(viii)(C)(*8*) of this section.

(*1*) The categories of information required to be submitted under paragraphs (f)(2)(viii)(B)(*1*) through (f)(2)(viii)(B)(*8*) of this section, for the preceding 12 month period ending on June 30.

(*2*) An updated Emissions Analysis for January through December of the preceding calendar year. The Sistersville Plant shall submit the updated Emissions Analysis in a form substantially equivalent to the previous Emissions Analysis prepared by the Sistersville Plant to support Project XL. The Emissions Analysis shall include a comparison of the volatile organic emissions associated with the capper unit process vents and the wastewater treatment system (using the EPA Water 8 model or other model agreed to by the Sistersville Plant, EPA and WVDEP) under Project XL with the expected emissions from those sources absent Project XL during that period.

(*3*) A discussion of the Sistersville Plant's performance in meeting the requirements of this paragraph (f), specifically identifying any areas in which the Sistersville Plant either exceeded or failed to achieve any such standard.

(*4*) A description of any unanticipated problems in implementing the XL Project and any steps taken to resolve them.

(*5*) A WMPP Implementation Report that contains the information contained in paragraphs (f)(2)(viii)(C)(*5*)(*i*) through (viii)(C)(*5*)(*vi*) of this section.

(*i*) A summary of the WMPP opportunities selected for implementation.

(*ii*) A description of the WMPP opportunities initiated and/or completed.

(*iii*) Reductions in volume of waste generated and amounts of each constituent reduced in wastes including any constituents identified in paragraph (f)(8) of this section.

(*iv*) An economic benefits analysis.

(*v*) A summary of the results of the Advisory Committee's review of implemented WMPP opportunities.

(*vi*) A reevaluation of WMPP opportunities previously determined to be infeasible by the Sistersville Plant but which had potential for future feasibility.

(*6*) An assessment of the nature of, and the successes or problems associated with, the Sistersville Plant's interaction with the federal and state agencies under the Project.

(*7*) An update on stakeholder involvement efforts.

(*8*) An evaluation of the Project as implemented against the Project XL Criteria and the baseline scenario.

(D) The Sistersville Plant shall submit to the EPA and WVDEP Project XL contacts a written Final Project Report covering the period during which the temporary deferral was effective, as described in paragraph (f)(3) of this section.

(*1*) The Final Project Report shall contain the information required to be submitted for the Semiannual Report required under paragraph (f)(2)(viii)(B) of this section, and the Annual Project Report required under paragraph (f)(2)(viii)(C) of this section.

(*2*) The Sistersville Plant shall submit the Final Project Report to EPA and WVDEP no later than 180 days after the temporary deferral of paragraph (f)(1) of this section is revoked, or 180 days after the MON Compliance Date, whichever occurs first.

(E)(*1*) The Sistersville Plant shall retain on-site a complete copy of each of the report documents to be submitted to EPA and WVDEP in accordance with requirements under paragraph (f)(2) of this section. The Sistersville Plant shall retain this record until 180 days after the MON Compliance Date. The Sistersville Plant shall provide to stakeholders and interested parties a written notice of availability (to be mailed to all persons on the Project mailing list and to be provided to at least one local newspaper of general circulation) of each such document, and provide a copy of each document to any such person upon request, subject to the provisions of 40 CFR Part 2.

(*2*) Any reports or other information submitted to EPA or WVDEP may be released to the public pursuant to the Federal Freedom of Information Act (42 U.S.C. 552 *et seq.*), subject to the provisions of 40 CFR Part 2.

(F) The Sistersville Plant shall make all supporting monitoring results and records required under paragraph (f)(2) of this section available to EPA and WVDEP within a reasonable amount of time after receipt of a written request from those Agencies, subject to the provisions of 40 CFR Part 2.

(G) Each report submitted by the Sistersville Plant under the requirements of paragraph (f)(2) of this section shall be certified by a Responsible Corporate Officer, as defined in 40 CFR 270.11(a)(1).

(H) For each report submitted in accordance with paragraph (f)(2) of this section, the Sistersville Plant shall send one copy each to the addresses in paragraphs (f)(2)(viii)(H)(*1*) through (H)(*3*) of this section.

(*1*) U.S. EPA Region 3, 841 Chestnut Street, Philadelphia, PA 19107, Attention Tad Radzinski, Mail Code 3WC11.

(*2*) U.S. EPA, 401 M Street SW, Washington, DC 20460, Attention L. Nancy Birnbaum, Mail Code 2129.

(*3*) West Virginia Division of Environmental Protection, Office of Air Quality, 1558 Washington Street East, Charleston, WV 25311–2599, Attention John H. Johnston.

(3) Effective period and revocation of temporary deferral.

(i) The temporary deferral contained in this paragraph (f) is effective from April 1, 1998, and shall remain effective until the MON Compliance Date. The temporary deferral contained in this paragraph (f) may be revoked prior to the MON Compliance Date, as described in paragraph (f)(3)(iv) of this section.

(ii) On the MON Compliance Date, the temporary deferral contained in this paragraph (f) will no longer be effective.

(iii) The Sistersville Plant shall come into compliance with those requirements deferred by this paragraph (f) no later than the MON Compliance Date. No later than 18 months prior to the MON Compliance Date, the Sistersville Plant shall submit to EPA an implementation schedule that meets the requirements of paragraph (g)(1)(iii) of this section.

(iv) The temporary deferral contained in this paragraph (f) may be revoked for cause, as determined by EPA, prior to the MON Compliance Date. The Sistersville Plant may request EPA to revoke the temporary deferral contained in this paragraph (f) at any time. The revocation shall be effective on the date that the Sistersville Plant receives written notification of revocation from EPA.

(v) Nothing in this section shall affect the provisions of the MON, as applicable to the Sistersville Plant.

(vi) Nothing in paragraph (f) or (g) of this section shall affect any regulatory requirements not referenced in paragraph (f)(1)(iii) or (f)(1)(iv) of this section, as applicable to the Sistersville Plant.

(4) The Sistersville Plant shall conduct the initial performance test required by paragraph (f)(2)(ii)(B) of this section using the procedures in paragraph (f)(4) of this section. The organic concentration and percent reduction shall be measured as TOC minus methane and ethane, according to the procedures specified in paragraph (f)(4) of this section.

(i) Method 1 or 1A of 40 CFR part 60, appendix A, as appropriate, shall be used for selection of the sampling sites.

(A) To determine compliance with the 98 percent reduction of TOC requirement of paragraph (f)(2)(ii)(A)(*1*) of this section, sampling sites shall be located at the inlet of the control device after the final product recovery device, and at the outlet of the control device.

(B) To determine compliance with the 20 parts per million by volume TOC limit in paragraph (f)(2)(ii)(A)(*1*) of this section, the sampling site shall be located at the outlet of the control device.

(ii) The gas volumetric flow rate shall be determined using Method 2, 2A, 2C, or 2D of 40 CFR part 60, appendix A, as appropriate.

(iii) To determine compliance with the 20 parts per million by volume TOC limit in paragraph (f)(2)(ii)(A)(*1*) of this section, the Sistersville Plant shall use Method 18 of 40 CFR part 60, appendix A to measure TOC minus methane and ethane. Alternatively, any other method or data that has been validated according to the applicable procedures in Method 301 of 40 CFR part 63, appendix A, may be used. The following procedures shall be used to calculate

parts per million by volume concentration, corrected to 3 percent oxygen:

(A) The minimum sampling time for each run shall be 1 hour in which either an integrated sample or a minimum of four grab samples shall be taken. If grab sampling is used, then the samples shall be taken at approximately equal intervals in time, such as 15 minute intervals during the run.

(B) The concentration of TOC minus methane and ethane (C_{TOC}) shall be calculated as the sum of the concentrations of the individual components, and shall be computed for each run using the following equation:

$$C_{TOC} = \sum_{i=1}^{x} \frac{\left(\sum_{j=1}^{n} C_{ji}\right)}{x}$$

where:

C_{TOC} = Concentration of TOC (minus methane and ethane), dry basis, parts per million by volume.
C_{ji} = Concentration of sample components j of sample i, dry basis, parts per million by volume.
n = Number of components in the sample.
x = Number of samples in the sample run.

(C) The concentration of TOC shall be corrected to 3 percent oxygen if a combustion device is the control device.

(*1*) The emission rate correction factor or excess air, integrated sampling and analysis procedures of Method 3B of 40 CFR part 60, appendix A shall be used to determine the oxygen concentration ($\%O_{2d}$). The samples shall be taken during the same time that the TOC (minus methane or ethane) samples are taken.

(*2*) The concentration corrected to 3 percent oxygen (C_c) shall be computed using the following equation:

$$C_c = C_m\left(\frac{17.9}{20.9 - \%O_{2d}}\right)$$

where:

C_c = Concentration of TOC corrected to 3 percent oxygen, dry basis, parts per million by volume.
C_m = Concentration of TOC (minus methane and ethane), dry basis, parts per million by volume.
$\%O_{2d}$ = Concentration of oxygen, dry basis, percent by volume.

(iv) To determine compliance with the 98 percent reduction requirement of paragraph (f)(2)(ii)(A)(*1*) of this section, the Sistersville Plant shall use Method 18 of 40 CFR part 60, appendix A; alternatively, any other method or data that has been validated according to the applicable procedures in Method 301 of 40 CFR part 63, appendix A may be used. The following procedures shall be used to calculate percent reduction efficiency:

(A) The minimum sampling time for each run shall be 1 hour in which either an integrated sample or a minimum of four grab samples shall be taken. If grab sampling is used, then the samples shall be taken at approximately equal intervals in time such as 15 minute intervals during the run.

(B) The mass rate of TOC minus methane and ethane (E_i, E_o) shall be computed. All organic compounds (minus methane and ethane) measured by Method 18 of 40 CFR part 60, Appendix A are summed using the following equations:

$$E_i = K_2\left(\sum_{j=1}^{n} C_{ij}M_{ij}\right)Q_i$$

$$E_o = K_2\left(\sum_{j=1}^{n} C_{oj}M_{oj}\right)Q_o$$

where:

C_{ij}, C_{oj} = Concentration of sample component j of the gas stream at the inlet and outlet of the control device, respectively, dry basis, parts per million by volume.
E_i, E_o = Mass rate of TOC (minus methane and ethane) at the inlet and outlet of the control device, respectively, dry basis, kilogram per hour.
M_{ij}, M_{oj} = Molecular weight of sample component j of the gas stream at the inlet and outlet of the control device, respectively, gram/gram-mole.
Q_i, Q_o = Flow rate of gas stream at the inlet and outlet of the control device, respectively, dry standard cubic meter per minute.
K_2 = Constant, 2.494×10^{-6} (parts per million)$^{-1}$ (gram-mole per standard cubic meter) (kilogram/gram) (minute/hour), where standard temperature (gram-mole per standard cubic meter) is 20 °C.

(C) The percent reduction in TOC (minus methane and ethane) shall be calculated as follows:

$$R = \frac{E_i - E_o}{E_i}(100)$$

where:

R = Control efficiency of control device, percent.
E_i = Mass rate of TOC (minus methane and ethane) at the inlet to the control device as calculated under paragraph (f)(4)(iv)(B) of this section, kilograms TOC per hour.
E_o = Mass rate of TOC (minus methane and ethane) at the outlet of the control device, as calculated under paragraph (f)(4)(iv)(B) of this section, kilograms TOC per hour.

(5) At the time of the initial performance test of the process vent thermal incinerator required under (f)(2)(ii)(B) of this section, the Sistersville Plant shall inspect each closed vent system according to the procedures specified in paragraphs (f)(5)(i) through (f)(5)(vi) of this section.

(i) The initial inspections shall be conducted in accordance with Method 21 of 40 CFR part 60, appendix A.

(ii)(A) Except as provided in paragraph (f)(5)(ii)(B) of this section, the detection instrument shall meet the performance criteria of Method 21 of 40 CFR part 60, appendix A, except the instrument response factor criteria in section 3.1.2(a) of Method 21 of 40 CFR part 60, appendix A shall be for the average composition of the process fluid not each individual volatile organic compound in the stream. For process streams that contain nitrogen, air, or other inerts which are not organic hazardous air pollutants or volatile organic compounds, the average stream response factor shall be calculated on an inert-free basis.

(B) If no instrument is available at the plant site that will meet the performance criteria specified in paragraph (f)(5)(ii)(A) of this section, the instrument readings may be adjusted by multiplying by the average response factor of the process fluid, calculated on an inert-free basis as described in paragraph (f)(5)(ii)(A) of this section.

(iii) The detection instrument shall be calibrated before use on each day of its use by the procedures specified in Method 21 of 40 CFR part 60, appendix A.

(iv) Calibration gases shall be as follows:

(A) Zero air (less than 10 parts per million hydrocarbon in air); and

(B) Mixtures of methane in air at a concentration less than 10,000 parts per million. A calibration gas other than methane in air may be used if the instrument does not respond to methane or if the instrument does not meet the performance criteria specified in paragraph (f)(5)(ii)(A) of this section. In such cases, the calibration gas may be a mixture of one or more of the compounds to be measured in air.

(v) The Sistersville Plant may elect to adjust or not adjust instrument readings for background. If the Sistersville Plant elects to not adjust readings for background, all such instrument readings shall be compared directly to the applicable leak definition to determine whether there is a leak. If the Sistersville Plant elects to adjust instrument readings for background, the Sistersville Plant shall measure background concentration using the procedures in 40 CFR 63.180 (b) and (c). The Sistersville Plant shall subtract background reading from the maximum

concentration indicated by the instrument.

(vi) The arithmetic difference between the maximum concentration indicated by the instrument and the background level shall be compared with 500 parts per million for determining compliance.

(6) Definitions of terms as used in paragraphs 264.1080 (f) and 264.1080 (g) of this part.

(i) Closed vent system is defined as a system that is not open to the atmosphere and that is composed of piping, connections and, if necessary, flow-inducing devices that transport gas or vapor from the capper unit process vent to the thermal incinerator.

(ii) No detectable emissions means an instrument reading of less than 500 parts per million by volume above background as determined by Method 21 in 40 CFR part 60.

(iii) Reuse includes the substitution of collected methanol (without reclamation subsequent to its collection) for virgin methanol as an ingredient (including uses as an intermediate) or as an effective substitute for a commercial product.

(iv) Recovery includes the substitution of collected methanol for virgin methanol as an ingredient (including uses as an intermediate) or as an effective substitute for a commercial product following reclamation of the methanol subsequent to its collection.

(v) Thermal recovery/treatment includes the use of collected methanol in fuels blending or as a feed to any combustion device to the extent permitted by federal and state law.

(vi) Bio-treatment includes the treatment of the collected methanol through introduction into a biological treatment system, including the treatment of the collected methanol as a waste stream in an on-site or off-site wastewater treatment system. Introduction of the collected methanol to the on-site wastewater treatment system will be limited to points downstream of the surface impoundments, and will be consistent with the requirements of federal and state law.

(vii) Start-up shall have the meaning set forth at 40 CFR 63.2.

(viii) Flow indicator means a device which indicates whether gas flow is present in the vent stream, and, if required by the permit for the thermal incinerator, which measures the gas flow in that stream.

(ix) Continuous Recorder means a data recording device that records an instantaneous data value at least once every fifteen minutes.

(x) MON means the National Emission Standards for Hazardous Air Pollutants for the source category Miscellaneous Organic Chemical Production and Processes (''MON''), promulgated under the authority of Section 112 of the Clean Air Act.

(xi) MON Compliance Date means the date 3 years after the effective date of the National Emission Standards for Hazardous Air Pollutants for the source category Miscellaneous Organic Chemical Production and Processes (''MON'').

(7) OSi Specialties, Incorporated, a subsidiary of Witco Corporation (''OSi''), may seek to transfer its rights and obligations under this paragraph (f) to a future owner of the Sistersville Plant in accordance with the requirements of paragraphs (f)(7)(i) through (f)(7)(iii) of this section.

(i) OSi will provide to EPA a written notice of any proposed transfer at least forty-five days prior to the effective date of any such transfer. The written notice will identify the proposed transferee.

(ii) The proposed transferee will provide to EPA a written request to assume the rights and obligations under this paragraph (f) at least forty-five days prior to the effective date of any such transfer. The written request will describe the transferee's financial and technical capability to assume the obligations under this paragraph (f), and will include a statement of the transferee's intention to fully comply with the terms of this paragraph (f) and to sign the Final Project Agreement for this XL Project as an additional party.

(iii) Within thirty days of receipt of both the written notice and written request described in paragraphs (f)(7)(i) and (f)(7)(ii) of this section, EPA will determine, based on all relevant information, whether to approve a transfer of rights and obligations under this paragraph (f) from OSi to a different owner.

(8) The constituents to be identified by the Sistersville Plant pursuant to paragraphs (f)(2)(vi)(C)(*2*)(*ii*) and (f)(2)(viii)(C)(*5*)(*iii*) of this section are: 1 Naphthalenamine; 1,2,4 Trichlorobenzene; 1,1 Dichloroethylene; 1,1,1 Trichloroethane; 1,1,1,2 Tetrachloroethane; 1,1,2 Trichloro; 1,2,2 Trifluoroethane; 1,1,2 Trichloroethane; 1,1,2,2 Tetrachloroethane; 1,2 Dichlorobenzene; 1,2 Dichloroethane; 1,2 Dichloropropane; 1,2 Dichloropropanone; 1,2 Transdichloroethene; 1,2 Trans-Dichloroethene; 1,2,4,5 Tetrachlorobenzine; 1,3 Dichlorobenzene; 1,4 Dichloro 2 butene; 1,4 Dioxane; 2 Chlorophenol; 2 Cyclohexyl 4,6 dinitrophenol; 2 Methyl Pyridine; 2 Nitropropane; 2,4-Di-nitrotoluene; Acetone; Acetonitrile; Acrylonitrile; Allyl Alcohol; Aniline; Antimony; Arsenic; Barium; Benzene; Benzotrichloride; Benzyl Chloride; Beryllium; Bis (2 ethyl Hexyl) Phthalate; Butyl Alcohol, n; Butyl Benzyl Phthalate; Cadmium; Carbon Disulfide; Carbon Tetrachloride; Chlorobenzene; Chloroform; Chloromethane; Chromium; Chrysene; Copper; Creosol; Creosol, m-; Creosol, o; Creosol, p; Cyanide; Cyclohexanone; Di-n-octyl phthalate; Dichlorodifluoromethane; Diethyl Phthalate; Dihydrosafrole; Dimethylamine; Ethyl Acetate; Ethyl benzene; Ethyl Ether; Ethylene Glycol Ethyl Ether; Ethylene Oxide; Formaldehyde; Isobutyl Alcohol; Lead; Mercury; Methanol; Methoxychlor; Methyl Chloride; Methyl Chloroformate; Methyl Ethyl Ketone; Methyl Ethyl Ketone Peroxide; Methyl Isobutyl Ketone; Methyl Methacrylate; Methylene Bromide; Methylene Chloride; Naphthalene; Nickel; Nitrobenzene; Nitroglycerine; p-Toluidine; Phenol; Phthalic Anhydride; Polychlorinated Biphenyls; Propargyl Alcohol; Pyridine; Safrole; Selenium; Silver; Styrene; Tetrachloroethylene; Tetrahydrofuran; Thallium; Toluene; Toluene 2,4 Diisocyanate; Trichloroethylene; Trichlorofluoromethane; Vanadium; Vinyl Chloride; Warfarin; Xylene; Zinc.

(g) This paragraph (g) applies only to the facility commonly referred to as the OSi Specialties Plant, located on State Route 2, Sistersville, West Virginia (''Sistersville Plant'').

(1)(i) No later than 18 months from the date the Sistersville Plant receives written notification of revocation of the temporary deferral for the Sistersville Plant under paragraph (f) of this section, the Sistersville Plant shall, in accordance with the implementation schedule submitted to EPA under paragraph (g)(1)(ii) of this section, either come into compliance with all requirements of this subpart which had been deferred by paragraph (f)(1)(i) of this section, or complete a facility or process modification such that the requirements of § 264.1085 of this subpart are no longer applicable to the two hazardous waste surface impoundments. In any event, the Sistersville Plant must complete the requirements of the previous sentence no later than the MON Compliance Date; if the Sistersville Plant receives written notification of revocation of the temporary deferral after the date 18 months prior to the MON Compliance Date, the date by which the Sistersville Plant must complete the requirements of the previous sentence will be the MON Compliance Date, which would be less

than 18 months from the date of notification of revocation.

(ii) Within 30 days from the date the Sistersville Plant receives written notification of revocation under paragraph (f)(3)(iv) of this section, the Sistersville Plant shall enter and maintain in the facility operating record an implementation schedule. The implementation schedule shall demonstrate that within 18 months from the date the Sistersville Plant receives written notification of revocation under paragraph (f)(3)(iv) of this section (but no later than the MON Compliance Date), the Sistersville Plant shall either come into compliance with the regulatory requirements that had been deferred by paragraph (f)(1)(i) of this section, or complete a facility or process modification such that the requirements of § 264.1085 of this subpart are no longer applicable to the two hazardous waste surface impoundments. Within 30 days from the date the Sistersville Plant receives written notification of revocation under paragraph (f)(3)(iv) of this section, the Sistersville Plant shall submit a copy of the implementation schedule to the EPA and WVDEP Project XL contacts identified in paragraph (f)(2)(viii)(H) of this section. The implementation schedule shall reflect the Sistersville Plant's effort to come into compliance as soon as practicable (but no later than 18 months after the date the Sistersville Plant receives written notification of revocation, or the MON Compliance Date, whichever is sooner) with all regulatory requirements that had been deferred under paragraph (f)(1)(i) of this section, or to complete a facility or process modification as soon as practicable (but no later than 18 months after the date the Sistersville Plant receives written notification of revocation, or the MON Compliance Date, whichever is sooner) such that the requirements of § 264.1085 of this subpart are no longer applicable to the two hazardous waste surface impoundments.

(iii) The implementation schedule shall include the information described in either paragraph (g)(1)(iii)(A) or (B) of this section.

(A) Specific calendar dates for: award of contracts or issuance of purchase orders for the control equipment required by those regulatory requirements that had been deferred by paragraph (f)(1)(i) of this section; initiation of on-site installation of such control equipment; completion of the control equipment installation; performance of any testing to demonstrate that the installed control equipment meets the applicable standards of this subpart; initiation of operation of the control equipment; and compliance with all regulatory requirements that had been deferred by paragraph (f)(1)(i) of this subpart.

(B) Specific calendar dates for the purchase, installation, performance testing and initiation of operation of equipment to accomplish a facility or process modification such that the requirements of § 264.1085 of this subpart are no longer applicable to the two hazardous waste surface impoundments.

(2) Nothing in paragraph (f) or (g) of this section shall affect any regulatory requirements not referenced in paragraph (f)(2)(i) or (ii) of this section, as applicable to the Sistersville Plant.

(3) In the event that a notification of revocation is issued pursuant to paragraph (f)(3)(iv) of this section, the requirements referenced in paragraphs (f)(1)(iii) and (f)(1)(iv) of this section are temporarily deferred, with respect to the two hazardous waste surface impoundments, provided that the Sistersville Plant is in compliance with the requirements of paragraphs (f)(2)(ii), (f)(2)(iii), (f)(2)(iv), (f)(2)(v), (f)(2)(vi) and (g) of this section, except as provided under paragraph (g)(4) of this section. The temporary deferral of the previous sentence shall be effective beginning on the date the Sistersville Plant receives written notification of revocation, and subject to paragraph (g)(5) of this section, shall continue to be effective for a maximum period of 18 months from that date, provided that the Sistersville Plant is in compliance with the requirements of paragraphs (f)(2)(ii), (f)(2)(iii), (f)(2)(iv), (f)(2)(v), (f)(2)(vi) and (g) of this section at all times during that 18-month period.

(4) In the event that a notification of revocation is issued pursuant to paragraph (f)(3)(iv) of this section as a result of the permanent removal of the capper unit from methyl capped polyether production service, the requirements referenced in paragraphs (f)(1)(iii) and (f)(1)(iv) of this section are temporarily deferred, with respect to the two hazardous waste surface impoundments, provided that the Sistersville Plant is in compliance with the requirements of paragraphs (f)(2)(vi), and (g) of this section. The temporary deferral of the previous sentence shall be effective beginning on the date the Sistersville Plant receives written notification of revocation, and subject to paragraph (g)(5) of this section, shall continue to be effective for a maximum period of 18 months from that date, provided that the Sistersville Plant is in compliance with the requirements of paragraphs (f)(2)(vi) and (g) of this section at all times during that 18-month period.

(5) In no event shall the temporary deferral provided under paragraph (g)(3) or (g)(4) of this section be effective after the MON Compliance Date.

PART 265—INTERIM STATUS STANDARDS FOR OWNERS AND OPERATORS OF HAZARDOUS WASTE TREATMENT, STORAGE, AND DISPOSAL FACILITIES

3. The authority citation for part 265 continues to read as follows:

Authority: 42 U.S.C. 6905, 6912(a), 6924, 6925, and 6935.

Subpart CC—Air Emission Standards for Tanks, Surface Impoundments, and Containers

4. Section 265.1080 is amended by adding paragraphs (f) and (g) to read as follows:

§ 265.1080 Applicability.

* * * * *

(f) This paragraph (f) applies only to the facility commonly referred to as the OSi Specialties Plant, located on State Route 2, Sistersville, West Virginia (''Sistersville Plant'').

(1)(i) Provided that the Sistersville Plant is in compliance with the requirements of paragraph (f)(2) of this section, the requirements referenced in paragraph (f)(1)(iii) of this section are temporarily deferred, as specified in paragraph (f)(3) of this section, with respect to the two hazardous waste surface impoundments at the Sistersville Plant. Beginning on the date that paragraph (f)(1)(ii) of this section is first implemented, the temporary deferral of this paragraph shall no longer be effective.

(ii)(A) In the event that a notice of revocation is issued pursuant to paragraph (f)(3)(iv) of this section, the requirements referenced in paragraph (f)(1)(iii) of this section are temporarily deferred, with respect to the two hazardous waste surface impoundments, provided that the Sistersville Plant is in compliance with the requirements of paragraphs (f)(2)(ii), (f)(2)(iii), (f)(2)(iv), (f)(2)(v), (f)(2)(vi) and (g) of this section, except as provided under paragraph (f)(1)(ii)(B) of this section. The temporary deferral of the previous sentence shall be effective beginning on the date the Sistersville Plant receives written notification of revocation, and continuing for a maximum period of 18 months from that date, provided that the Sistersville Plant is in compliance with the requirements of paragraphs (f)(2)(ii), (f)(2)(iii), (f)(2)(iv), (f)(2)(v), (f)(2)(vi) and

(g) of this section at all times during that 18-month period. In no event shall the temporary deferral continue to be effective after the MON Compliance Date as defined in paragraph (f)(6) of this section.

(B) In the event that a notification of revocation is issued pursuant to paragraph (f)(3)(iv) of this section as a result of the permanent removal of the capper unit from methyl capped polyether production service, the requirements referenced in paragraph (f)(1)(iii) of this section are temporarily deferred, with respect to the two hazardous waste surface impoundments, provided that the Sistersville Plant is in compliance with the requirements of paragraphs (f)(2)(vi), and (g) of this section. The temporary deferral of the previous sentence shall be effective beginning on the date the Sistersville Plant receives written notification of revocation, and continuing for a maximum period of 18 months from that date, provided that the Sistersville Plant is in compliance with the requirements of paragraphs (f)(2)(vi) and (g) of this section at all times during that 18-month period. In no event shall the temporary deferral continue to be effective after the MON Compliance Date.

(iii) The standards in § 265.1086 of this part, and all requirements referenced in or by § 265.1086 that otherwise would apply to the two hazardous waste surface impoundments, including the closed-vent system and control device requirements of § 265.1088 of this part.

(2) Notwithstanding the effective period and revocation provisions in paragraph (f)(3) of this section, the temporary deferral provided in paragraph (f)(1)(i) of this section is effective only if the Sistersville Plant meets the requirements of paragraph (f)(2) of this section.

(i) The Sistersville Plant shall install an air pollution control device on the polyether methyl capper unit (''capper unit''), implement a methanol recovery operation, and implement a waste minimization/pollution prevention (''WMPP'') project. The installation and implementation of these requirements shall be conducted according to the schedule described in paragraphs (f)(2)(i) and (f)(2)(vi) of this section.

(A) The Sistersville Plant shall complete the initial start-up of a thermal incinerator on the capper unit's process vents from the first stage vacuum pump, from the flash pot and surge tank, and from the water stripper, no later than April 1, 1998.

(B) The Sistersville Plant shall provide to the EPA and the West Virginia Department of Environmental Protection, written notification of the actual date of initial start-up of the thermal incinerator, and commencement of the methanol recovery operation. The Sistersville Plant shall submit this written notification as soon as practicable, but in no event later than 15 days after such events.

(ii) The Sistersville Plant shall install and operate the capper unit process vent thermal incinerator according to the requirements of paragraphs (f)(2)(ii)(A) through (f)(2)(ii)(D) of this section.

(A) Capper unit process vent thermal incinerator.

(*1*) Except as provided under paragraph (f)(2)(ii)(D) of this section, the Sistersville Plant shall operate the process vent thermal incinerator such that the incinerator reduces the total organic compounds (''TOC'') from the process vent streams identified in paragraph (f)(2)(i)(A) of this section, by 98 weight-percent, or to a concentration of 20 parts per million by volume, on a dry basis, corrected to 3 percent oxygen, whichever is less stringent.

(*i*) Prior to conducting the initial performance test required under paragraph (f)(2)(ii)(B) of this section, the Sistersville Plant shall operate the thermal incinerator at or above a minimum temperature of 1600 Fahrenheit.

(*ii*) After the initial performance test required under paragraph (f)(2)(ii)(B) of this section, the Sistersville Plant shall operate the thermal incinerator at or above the minimum temperature established during that initial performance test.

(*iii*) The Sistersville Plant shall operate the process vent thermal incinerator at all times that the capper unit is being operated to manufacture product.

(*2*) The Sistersville Plant shall install, calibrate, and maintain all air pollution control and monitoring equipment described in paragraphs (f)(2)(i)(A) and (f)(2)(ii)(B)(*3*) of this section, according to the manufacturer's specifications, or other written procedures that provide adequate assurance that the equipment can reasonably be expected to control and monitor accurately, and in a manner consistent with good engineering practices during all periods when emissions are routed to the unit.

(B) The Sistersville Plant shall comply with the requirements of paragraphs (f)(2)(ii)(B)(*1*) through (f)(2)(ii)(B)(*3*) of this section for performance testing and monitoring of the capper unit process vent thermal incinerator.

(*1*) Within sixty (60) days after thermal incinerator initial start-up, the Sistersville Plant shall conduct a performance test to determine the minimum temperature at which compliance with the emission reduction requirement specified in paragraph (f)(4) of this section is achieved. This determination shall be made by measuring TOC minus methane and ethane, according to the procedures specified in paragraph (f)(2)(ii)(B) of this section.

(*2*) The Sistersville Plant shall conduct the initial performance test in accordance with the standards set forth in paragraph (f)(4) of this section.

(*3*) Upon initial start-up, the Sistersville Plant shall install, calibrate, maintain and operate, according to manufacturer's specifications and in a manner consistent with good engineering practices, the monitoring equipment described in paragraphs (f)(2)(ii)(B)(*3*)(*i*) through (f)(2)(ii)(B)(*3*)(*iii*) of this section.

(*i*) A temperature monitoring device equipped with a continuous recorder. The temperature monitoring device shall be installed in the firebox or in the duct work immediately downstream of the firebox in a position before any substantial heat exchange is encountered.

(*ii*) A flow indicator that provides a record of vent stream flow to the incinerator at least once every fifteen minutes. The flow indicator shall be installed in the vent stream from the process vent at a point closest to the inlet of the incinerator.

(*iii*) If the closed-vent system includes bypass devices that could be used to divert the gas or vapor stream to the atmosphere before entering the control device, each bypass device shall be equipped with either a bypass flow indicator or a seal or locking device as specified in this paragraph. For the purpose of complying with this paragraph, low leg drains, high point bleeds, analyzer vents, open-ended valves or lines, spring-loaded pressure relief valves, and other fittings used for safety purposes are not considered to be bypass devices. If a bypass flow indicator is used to comply with this paragraph, the bypass flow indicator shall be installed at the inlet to the bypass line used to divert gases and vapors from the closed-vent system to the atmosphere at a point upstream of the control device inlet. If a seal or locking device (e.g. car-seal or lock-and-key configuration) is used to comply with this paragraph, the device shall be placed on the mechanism by which the bypass device position is controlled (e.g., valve handle, damper levels) when the bypass device is in the closed position such that the bypass device

cannot be opened without breaking the seal or removing the lock. The Sistersville Plant shall visually inspect the seal or locking device at least once every month to verify that the bypass mechanism is maintained in the closed position.

(C) The Sistersville Plant shall keep on-site an up-to-date, readily accessible record of the information described in paragraphs (f)(2)(ii)(C)(*1*) through (f)(2)(ii)(C)(*4*) of this section.

(*1*) Data measured during the initial performance test regarding the firebox temperature of the incinerator and the percent reduction of TOC achieved by the incinerator, and/or such other information required in addition to or in lieu of that information by the WVDEP in its approval of equivalent test methods and procedures.

(*2*) Continuous records of the equipment operating procedures specified to be monitored under paragraph (f)(2)(ii)(B)(*3*) of this section, as well as records of periods of operation during which the firebox temperature falls below the minimum temperature established under paragraph (f)(2)(ii)(A)(*1*) of this section.

(*3*) Records of all periods during which the vent stream has no flow rate to the extent that the capper unit is being operated during such period.

(*4*) Records of all periods during which there is flow through a bypass device.

(D) The Sistersville Plant shall comply with the start-up, shutdown, maintenance and malfunction requirements contained in paragraphs (f)(2)(ii)(D)(*1*) through (f)(2)(ii)(D)(*6*) of this section, with respect to the capper unit process vent incinerator.

(*1*) The Sistersville Plant shall develop and implement a Start-up, Shutdown and Malfunction Plan as required by the provisions set forth in paragraph (f)(2)(ii)(D) of this section. The plan shall describe, in detail, procedures for operating and maintaining the thermal incinerator during periods of start-up, shutdown and malfunction, and a program of corrective action for malfunctions of the thermal incinerator.

(*2*) The plan shall include a detailed description of the actions the Sistersville Plant will take to perform the functions described in paragraphs (f)(2)(ii)(D)(*2*)(*i*) through (f)(2)(ii)(D)(*2*)(*iii*) of this section.

(*i*) Ensure that the thermal incinerator is operated in a manner consistent with good air pollution control practices.

(*ii*) Ensure that the Sistersville Plant is prepared to correct malfunctions as soon as practicable after their occurrence in order to minimize excess emissions.

(*iii*) Reduce the reporting requirements associated with periods of start-up, shutdown and malfunction.

(*3*) During periods of start-up, shutdown and malfunction, the Sistersville Plant shall maintain the process unit and the associated thermal incinerator in accordance with the procedures set forth in the plan.

(*4*) The plan shall contain record keeping requirements relating to periods of start-up, shutdown or malfunction, actions taken during such periods in conformance with the plan, and any failures to act in conformance with the plan during such periods.

(*5*) During periods of maintenance or malfunction of the thermal incinerator, the Sistersville Plant may continue to operate the capper unit, provided that operation of the capper unit without the thermal incinerator shall be limited to no more than 240 hours each calendar year.

(*6*) For the purposes of paragraph (f)(2)(iii)(D) of this section, the Sistersville Plant may use its operating procedures manual, or a plan developed for other reasons, provided that plan meets the requirements of paragraph (f)(2)(iii)(D) of this section for the start-up, shutdown and malfunction plan.

(iii) The Sistersville Plant shall operate the closed-vent system in accordance with the requirements of paragraphs (f)(2)(iii)(A) through (f)(2)(iii)(D) of this section.

(A) Closed-vent system.

(*1*) At all times when the process vent thermal incinerator is operating, the Sistersville Plant shall route the vent streams identified in paragraph (f)(2)(i) of this section from the capper unit to the thermal incinerator through a closed-vent system.

(*2*) The closed-vent system will be designed for and operated with no detectable emissions, as defined in paragraph (f)(6) of this section.

(B) The Sistersville Plant will comply with the performance standards set forth in paragraph (f)(2)(iii)(A)(*1*) of this section on and after the date on which the initial performance test referenced in paragraph (f)(2)(ii)(B) of this section is completed, but no later than sixty (60) days after the initial start-up date.

(C) The Sistersville Plant shall comply with the monitoring requirements of paragraphs (f)(2)(iii)(C)(*1*) through (f)(2)(iii)(C)(*3*) of this section, with respect to the closed-vent system.

(*1*) At the time of the performance test described in paragraph (f)(2)(ii)(B) of this section, the Sistersville Plant shall inspect the closed-vent system as specified in paragraph (f)(5) of this section.

(*2*) At the time of the performance test described in paragraph (f)(2)(ii)(B) of this section, and annually thereafter, the Sistersville Plant shall inspect the closed-vent system for visible, audible, or olfactory indications of leaks.

(*3*) If at any time a defect or leak is detected in the closed-vent system, the Sistersville Plant shall repair the defect or leak in accordance with the requirements of paragraphs (f)(2)(iii)(C)(*3*)(*i*) and (f)(2)(iii)(C)(*3*)(*ii*) of this section.

(*i*) The Sistersville Plant shall make first efforts at repair of the defect no later than five (5) calendar days after detection, and repair shall be completed as soon as possible but no later than forty-five (45) calendar days after detection.

(*ii*) The Sistersville Plant shall maintain a record of the defect repair in accordance with the requirements specified in paragraph (f)(2)(iii)(D) of this section.

(D) The Sistersville Plant shall keep on-site up-to-date, readily accessible records of the inspections and repairs required to be performed by paragraph (f)(2)(iii) of this section.

(iv) The Sistersville Plant shall operate the methanol recovery operation in accordance with paragraphs (f)(2)(iv)(A) through (f)(2)(iv)(C) of this section.

(A) The Sistersville Plant shall operate the condenser associated with the methanol recovery operation at all times during which the capper unit is being operated to manufacture product.

(B) The Sistersville Plant shall comply with the monitoring requirements described in paragraphs (f)(2)(B)(*1*) through (f)(2)(B)(*3*) of this section, with respect to the methanol recovery operation.

(*1*) The Sistersville Plant shall perform measurements necessary to determine the information described in paragraphs (f)(2)(iv)(B)(*1*)(*i*) and (f)(2)(iv)(B)(*1*)(*ii*) of this section to demonstrate the percentage recovery by weight of the methanol contained in the influent gas stream to the condenser.

(*i*) Information as is necessary to calculate the annual amount of methanol generated by operating the capper unit.

(*ii*) The annual amount of methanol recovered by the condenser associated with the methanol recovery operation.

(*2*) The Sistersville Plant shall install, calibrate, maintain and operate according to manufacturer specifications, a temperature monitoring device with a continuous recorder for the condenser associated with the

methanol recovery operation, as an indicator that the condenser is operating.

(*3*) The Sistersville Plant shall record the dates and times during which the capper unit and the condenser are operating.

(C) The Sistersville Plant shall keep on-site up-to-date, readily-accessible records of the parameters specified to be monitored under paragraph (f)(2)(iv)(B) of this section.

(v) The Sistersville Plant shall comply with the requirements of paragraphs (f)(2)(v)(A) through (f)(2)(v)(C) of this section for the disposition of methanol collected by the methanol recovery operation.

(A) On an annual basis, the Sistersville Plant shall ensure that a minimum of 95% by weight of the methanol collected by the methanol recovery operation (also referred to as the ''collected methanol'') is utilized for reuse, recovery, or thermal recovery/treatment. The Sistersville Plant may use the methanol on-site, or may transfer or sell the methanol for reuse, recovery, or thermal recovery/treatment at other facilities.

(*1*) Reuse. To the extent reuse of all of the collected methanol destined for reuse, recovery, or thermal recovery is not economically feasible, the Sistersville Plant shall ensure the residual portion is sent for recovery, as defined in paragraph (f)(6) of this section, except as provided in paragraph (f)(2)(v)(A)(*2*) of this section.

(*2*) Recovery. To the extent that reuse or recovery of all the collected methanol destined for reuse, recovery, or thermal recovery is not economically feasible, the Sistersville Plant shall ensure that the residual portion is sent for thermal recovery/treatment, as defined in paragraph (f)(6) of this section.

(*3*) The Sistersville Plant shall ensure that, on an annual basis, no more than 5% of the methanol collected by the methanol recovery operation is subject to bio-treatment.

(*4*) In the event the Sistersville Plant receives written notification of revocation pursuant to paragraph (f)(3)(iv) of this section, the percent limitations set forth under paragraph (f)(2)(v)(A) of this section shall no longer be applicable, beginning on the date of receipt of written notification of revocation.

(B) The Sistersville Plant shall perform such measurements as are necessary to determine the pounds of collected methanol directed to reuse, recovery, thermal recovery/treatment and bio-treatment, respectively, on a monthly basis.

(C) The Sistersville Plant shall keep on-site up-to-date, readily accessible records of the amounts of collected methanol directed to reuse, recovery, thermal recovery/treatment and bio-treatment necessary for the measurements required under paragraph (f)(2)(iv)(B) of this section.

(vi) The Sistersville Plant shall perform a WMPP project in accordance with the requirements and schedules set forth in paragraphs (f)(2)(vi)(A) through (f)(2)(vi)(C) of this section.

(A) In performing the WMPP Project, the Sistersville Plant shall use a Study Team and an Advisory Committee as described in paragraphs (f)(2)(vi)(A)(*1*) through (f)(2)(vi)(A)(*6*) of this section.

(*1*) At a minimum, the multi-functional Study Team shall consist of Sistersville Plant personnel from appropriate plant departments (including both management and employees) and an independent contractor. The Sistersville Plant shall select a contractor that has experience and training in WMPP in the chemical manufacturing industry.

(*2*) The Sistersville Plant shall direct the Study Team such that the team performs the functions described in paragraphs (f)(2)(vi)(A)(*2*)(*i*) through (f)(2)(vi)(A)(*2*)(*v*) of this section.

(*i*) Review Sistersville Plant operations and waste streams.

(*ii*) Review prior WMPP efforts at the Sistersville Plant.

(*iii*) Develop criteria for the selection of waste streams to be evaluated for the WMPP Project.

(*iv*) Identify and prioritize the waste streams to be evaluated during the study phase of the WMPP Project, based on the criteria described in paragraph (f)(2)(vi)(A)(*2*)(*iii*) of this section.

(*v*) Perform the WMPP Study as required by paragraphs (f)(2)(vi)(A)(*3*) through (f)(2)(vi)(A)(*5*), paragraph (f)(2)(vi)(B), and paragraph (f)(2)(vi)(C) of this section.

(*3*)(*i*) The Sistersville Plant shall establish an Advisory Committee consisting of a representative from EPA, a representative from WVDEP, the Sistersville Plant Manager, the Sistersville Plant Director of Safety, Health and Environmental Affairs, and a stakeholder representative(s).

(*ii*) The Sistersville Plant shall select the stakeholder representative(s) by mutual agreement of EPA, WVDEP and the Sistersville Plant no later than 20 days after receiving from EPA and WVDEP the names of their respective committee members.

(*4*) The Sistersville Plant shall convene a meeting of the Advisory Committee no later than thirty days after selection of the stakeholder representatives, and shall convene meetings periodically thereafter as necessary for the Advisory Committee to perform its assigned functions. The Sistersville Plant shall direct the Advisory Committee to perform the functions described in paragraphs (f)(2)(vi)(A)(*4*)(*i*) through (f)(2)(vi)(A)(*4*)(*iii*) of this section.

(*i*) Review and comment upon the Study Team's criteria for selection of waste streams, and the Study Team's identification and prioritization of the waste streams to be evaluated during the WMPP Project.

(*ii*) Review and comment upon the Study Team progress reports and the draft WMPP Study Report.

(*iii*) Periodically review the effectiveness of WMPP opportunities implemented as part of the WMPP Project, and, where appropriate, WMPP opportunities previously determined to be infeasible by the Sistersville Plant but which had potential for feasibility in the future.

(*5*) Beginning on January 15, 1998, and every ninety (90) days thereafter until submission of the final WMPP Study Report required by paragraph (f)(2)(vi)(C) of this section, the Sistersville Plant shall direct the Study Team to submit a progress report to the Advisory Committee detailing its efforts during the prior ninety (90) day period.

(B) The Sistersville Plant shall ensure that the WMPP Study and the WMPP Study Report meet the requirements of paragraphs (f)(2)(vi)(B)(*1*) through (f)(2)(vi)(B)(*3*) of this section.

(*1*) The WMPP Study shall consist of a technical, economic, and regulatory assessment of opportunities for source reduction and for environmentally sound recycling for waste streams identified by the Study Team.

(*2*) The WMPP Study shall evaluate the source, nature, and volume of the waste streams; describe all the WMPP opportunities identified by the Study Team; provide a feasibility screening to evaluate the technical and economical feasibility of each of the WMPP opportunities; identify any cross-media impacts or any anticipated transfers of risk associated with each feasible WMPP opportunity; and identify the projected economic savings and projected quantitative waste reduction estimates for each WMPP opportunity identified.

(*3*) No later than October 19, 1998, the Sistersville Plant shall prepare and submit to the members of the Advisory Committee a draft WMPP Study Report which, at a minimum, includes the results of the WMPP Study, identifies WMPP opportunities the Sistersville Plant determines to be feasible,

discusses the basis for excluding other opportunities as not feasible, and makes recommendations as to whether the WMPP Study should be continued. The members of the Advisory Committee shall provide any comments to the Sistersville Plant within thirty (30) days of receiving the WMPP Study Report.

(C) Within thirty (30) days after receipt of comments from the members of the Advisory Committee, the Sistersville Plant shall submit to EPA and WVDEP a final WMPP Study Report which identifies those WMPP opportunities the Sistersville Plant determines to be feasible and includes an implementation schedule for each such WMPP opportunity. The Sistersville Plant shall make reasonable efforts to implement all feasible WMPP opportunities in accordance with the priorities identified in the implementation schedule.

(*1*) For purposes of this paragraph (f), a WMPP opportunity is feasible if the Sistersville Plant considers it to be technically feasible (taking into account engineering and regulatory factors, product line specifications and customer needs) and economically practical (taking into account the full environmental costs and benefits associated with the WMPP opportunity and the company's internal requirements for approval of capital projects). For purposes of the WMPP Project, the Sistersville Plant should use ''An Introduction to Environmental Accounting as a Business Management Tool'' (EPA 742/R–95/001) as one tool to identify the full environmental costs and benefits of each WMPP opportunity. This EPA publication is available from EPA by calling 1–800–490–9198.

(*2*) In implementing each WMPP opportunity, the Sistersville Plant shall, after consulting with the other members of the Advisory Committee, develop appropriate protocols and methods for determining the information required by paragraphs (f)(2)(vi)(*2*)(*i*) through (f)(2)(vi)(*2*)(*iii*) of this section.

(*i*) The overall volume of wastes reduced.

(*ii*) The quantities of each constituent identified in paragraph (f)(8) of this section reduced in the wastes.

(*iii*) The economic benefits achieved.

(*3*) No requirements of paragraph (f)(2)(vi) of this section are intended to prevent or restrict the Sistersville Plant from evaluating and implementing any WMPP opportunities at the Sistersville Plant in the normal course of its operations or from implementing, prior to the completion of the WMPP Study, any WMPP opportunities identified by the Study Team.

(vii) The Sistersville Plant shall maintain on-site each record required by paragraph (f)(2) of this section, through the MON Compliance Date.

(viii) The Sistersville Plant shall comply with the reporting requirements of paragraphs (f)(2)(viii)(A) through (f)(2)(viii)(G) of this section.

(A) At least sixty days prior to conducting the initial performance test of the thermal incinerator, the Sistersville Plant shall submit to EPA and WVDEP copies of a notification of performance test, as described in 40 CFR 63.7(b). Following the initial performance test of the thermal incinerator, the Sistersville Plant shall submit to EPA and WVDEP copies of the performance test results that include the information relevant to initial performance tests of thermal incinerators contained in 40 CFR 63.7(g)(1), 40 CFR 63.117(a)(4)(i), and 40 CFR 63.117(a)(4)(ii).

(B) Beginning in 1999, on January 31 of each year, the Sistersville Plant shall submit a semiannual written report to the EPA and WVDEP, with respect to the preceding six month period ending on December 31, which contains the information described in paragraphs (f)(2)(viii)(B)(*1*) through (f)(2)(viii)(B)(*10*) of this section.

(*1*) Instances of operating below the minimum operating temperature established for the thermal incinerator under paragraph (f)(2)(ii)(A)(*1*) of this section which were not corrected within 24 hours of onset.

(*2*) Any periods during which the capper unit was being operated to manufacture product while the flow indicator for the vent streams to the thermal incinerator showed no flow.

(*3*) Any periods during which the capper unit was being operated to manufacture product while the flow indicator for any bypass device on the closed vent system to the thermal incinerator showed flow.

(*4*) Information required to be reported during that six month period under the preconstruction permit issued under the state permitting program approved under subpart XX of 40 CFR Part 52—Approval and Promulgation of Implementation Plans for West Virginia.

(*5*) Any periods during which the capper unit was being operated to manufacture product while the condenser associated with the methanol recovery operation was not in operation.

(*6*) The amount (in pounds and by month) of methanol collected by the methanol recovery operation during the six month period.

(*7*) The amount (in pounds and by month) of collected methanol utilized for reuse, recovery, thermal recovery/treatment, or bio-treatment, respectively, during the six month period.

(*8*) The calculated amount (in pounds and by month) of methanol generated by operating the capper unit.

(*9*) The status of the WMPP Project, including the status of developing the WMPP Study Report.

(*10*) Beginning in the year after the Sistersville Plant submits the final WMPP Study Report required by paragraph (f)(2)(vi)(C) of this section, and continuing in each subsequent Semiannual Report required by paragraph (f)(2)(viii)(B) of this section, the Sistersville Plant shall report on the progress of the implementation of feasible WMPP opportunities identified in the WMPP Study Report. The Semiannual Report required by paragraph (f)(2)(viii)(B) of this section shall identify any cross-media impacts or impacts to worker safety or community health issues that have occurred as a result of implementation of the feasible WMPP opportunities.

(C) Beginning in 1999, on July 31 of each year, the Sistersville Plant shall provide an Annual Project Report to the EPA and WVDEP Project XL contacts containing the information required by paragraphs (f)(2)(viii)(C)(*1*) through (f)(2)(viii)(C)(*8*) of this section.

(*1*) The categories of information required to be submitted under paragraphs (f)(2)(viii)(B)(*1*) through (f)(2)(viii)(B)(*8*) of this section, for the preceding 12 month period ending on June 30.

(*2*) An updated Emissions Analysis for January through December of the preceding calendar year. The Sistersville Plant shall submit the updated Emissions Analysis in a form substantially equivalent to the previous Emissions Analysis prepared by the Sistersville Plant to support Project XL. The Emissions Analysis shall include a comparison of the volatile organic emissions associated with the capper unit process vents and the wastewater treatment system (using the EPA Water 8 model or other model agreed to by the Sistersville Plant, EPA and WVDEP) under Project XL with the expected emissions from those sources absent Project XL during that period.

(*3*) A discussion of the Sistersville Plant's performance in meeting the requirements of this paragraph (f), specifically identifying any areas in which the Sistersville Plant either exceeded or failed to achieve any such standard.

(*4*) A description of any unanticipated problems in implementing the XL Project and any steps taken to resolve them.

(*5*) A WMPP Implementation Report that contains the information contained in paragraphs (viii)(C)(*5*)(*i*) through (viii)(C)(*5*)(*vi*).

(*i*) a summary of the WMPP opportunities selected for implementation.

(*ii*) a description of the WMPP opportunities initiated and/or completed.

(*iii*) reductions in volume of waste generated and amounts of each constituent reduced in wastes including any constituents identified in paragraph (f)(8) of this section.

(*iv*) an economic benefits analysis.

(*v*) a summary of the results of the Advisory Committee's review of implemented WMPP opportunities.

(*vi*) a reevaluation of WMPP opportunities previously determined to be infeasible by the Sistersville Plant but which had potential for future feasibility.

(*6*) An assessment of the nature of, and the successes or problems associated with, the Sistersville Plant's interaction with the federal and state agencies under the Project.

(*7*) An update on stakeholder involvement efforts.

(*8*) An evaluation of the Project as implemented against the Project XL Criteria and the baseline scenario.

(D) The Sistersville Plant shall submit to the EPA and WVDEP Project XL contacts a written Final Project Report covering the period during which the temporary deferral was effective, as described in paragraph (f)(3) of this section.

(*1*) The Final Project Report shall contain the information required to be submitted for the Semiannual Report required under paragraph (f)(2)(viii)(B) of this section, and the Annual Project Report required under paragraph (f)(2)(viii)(C) of this section.

(*2*) The Sistersville Plant shall submit the Final Project Report to EPA and WVDEP no later than 180 days after the temporary deferral of paragraph (f)(1) of this section is revoked, or 180 days after the MON Compliance Date, whichever occurs first.

(E)(*1*) The Sistersville Plant shall retain on-site a complete copy of each of the report documents to be submitted to EPA and WVDEP in accordance with requirements under paragraph (f)(2) of this section. The Sistersville Plant shall retain this record until 180 days after the MON Compliance Date. The Sistersville Plant shall provide to stakeholders and interested parties a written notice of availability (to be mailed to all persons on the Project mailing list and to be provided to at least one local newspaper of general circulation) of each such document, and provide a copy of each document to any such person upon request, subject to the provisions of 40 CFR Part 2.

(*2*) Any reports or other information submitted to EPA or WVDEP may be released to the public pursuant to the Federal Freedom of Information Act (42 U.S.C. 552 *et seq.*), subject to the provisions of 40 CFR Part 2.

(F) The Sistersville Plant shall make all supporting monitoring results and records required under paragraph (f)(2) of this section available to EPA and WVDEP within a reasonable amount of time after receipt of a written request from those Agencies, subject to the provisions of 40 CFR Part 2.

(G) Each report submitted by the Sistersville Plant under the requirements of paragraph (f)(2) of this section shall be certified by a Responsible Corporate Officer, as defined in 40 CFR 270.11(a)(1).

(H) For each report submitted in accordance with paragraph (f)(2) of this section, the Sistersville Plant shall send one copy each to the addresses in paragraphs (H)(*1*) through (H)(*3*).

(*1*) U.S. EPA Region 3, 841 Chestnut Street, Philadelphia, PA 19107, Attention Tad Radzinski, Mail Code 3WC11.

(*2*) U.S. EPA, 401 M Street SW, Washington, DC 20460, Attention L. Nancy Birnbaum, Mail Code 2129.

(*3*) West Virginia Division of Environmental Protection, Office of Air Quality, 1558 Washington Street East, Charleston, WV 25311–2599, Attention John H. Johnston.

(3) Effective period and revocation of temporary deferral.

(i) The temporary deferral contained in this paragraph (f) is effective from April 1, 1998, and shall remain effective until the MON Compliance Date. The temporary deferral contained in this paragraph (f) may be revoked prior to the MON Compliance Date, as described in paragraph (f)(3)(iv) of this section.

(ii) On the MON Compliance Date, the temporary deferral contained in this paragraph (f) will no longer be effective.

(iii) The Sistersville Plant shall come into compliance with those requirements deferred by this paragraph (f) no later than the MON Compliance Date. No later than 18 months prior to the MON Compliance Date, the Sistersville Plant shall submit to EPA an implementation schedule that meets the requirements of paragraph (g)(1)(iii) of this section.

(iv) The temporary deferral contained in this paragraph (f) may be revoked for cause, as determined by EPA, prior to the MON Compliance Date. The Sistersville Plant may request EPA to revoke the temporary deferral contained in this paragraph (f) at any time. The revocation shall be effective on the date that the Sistersville Plant receives written notification of revocation from EPA.

(v) Nothing in this section shall affect the provisions of the MON, as applicable to the Sistersville Plant.

(vi) Nothing in paragraph (f) or (g) of this section shall affect any regulatory requirements not referenced in paragraph (f)(1)(iii) of this section, as applicable to the Sistersville Plant.

(4) The Sistersville Plant shall conduct the initial performance test required by paragraph (f)(2)(ii)(B) of this section using the procedures in paragraph (f)(4) of this section. The organic concentration and percent reduction shall be measured as TOC minus methane and ethane, according to the procedures specified in paragraph (f)(4) of this section.

(i) Method 1 or 1A of 40 CFR part 60, appendix A, as appropriate, shall be used for selection of the sampling sites.

(A) To determine compliance with the 98 percent reduction of TOC requirement of paragraph (f)(2)(ii)(A)(*1*) of this section, sampling sites shall be located at the inlet of the control device after the final product recovery device, and at the outlet of the control device.

(B) To determine compliance with the 20 parts per million by volume TOC limit in paragraph (f)(2)(ii)(A)(*1*) of this section, the sampling site shall be located at the outlet of the control device.

(ii) The gas volumetric flow rate shall be determined using Method 2, 2A, 2C, or 2D of 40 CFR part 60, appendix A, as appropriate.

(iii) To determine compliance with the 20 parts per million by volume TOC limit in paragraph (f)(2)(ii)(A)(*1*) of this section, the Sistersville Plant shall use Method 18 of 40 CFR part 60, appendix A to measure TOC minus methane and ethane. Alternatively, any other method or data that has been validated according to the applicable procedures in Method 301 of 40 CFR part 63, appendix A, may be used. The following procedures shall be used to calculate parts per million by volume concentration, corrected to 3 percent oxygen:

(A) The minimum sampling time for each run shall be 1 hour in which either an integrated sample or a minimum of four grab samples shall be taken. If grab sampling is used, then the samples shall be taken at approximately equal intervals in time, such as 15 minute intervals during the run.

(B) The concentration of TOC minus methane and ethane (C_{TOC}) shall be

calculated as the sum of the concentrations of the individual components, and shall be computed for each run using the following equation:

$$C_{TOC} = \sum_{i=1}^{x} \frac{\left(\sum_{j=1}^{n} C_{ji}\right)}{x}$$

where:

C_{TOC} = Concentration of TOC (minus methane and ethane), dry basis, parts per million by volume.
C_{ji} = Concentration of sample components j of sample i, dry basis, parts per million by volume.
n = Number of components in the sample.
x = Number of samples in the sample run.

(C) The concentration of TOC shall be corrected to 3 percent oxygen if a combustion device is the control device.

(*1*) The emission rate correction factor or excess air, integrated sampling and analysis procedures of Method 3B of 40 CFR part 60, appendix A shall be used to determine the oxygen concentration ($\%O_{2d}$). The samples shall be taken during the same time that the TOC (minus methane or ethane) samples are taken.

(*2*) The concentration corrected to 3 percent oxygen (C_c) shall be computed using the following equation:

$$C_c = C_m\left(\frac{17.9}{20.9 - \%O_{2d}}\right)$$

where:

C_c = Concentration of TOC corrected to 3 percent oxygen, dry basis, parts per million by volume.
C_m = Concentration of TOC (minus methane and ethane), dry basis, parts per million by volume.
$\%O_{2d}$ = Concentration of oxygen, dry basis, percent by volume.

(iv) To determine compliance with the 98 percent reduction requirement of paragraph (f)(2)(ii)(A)(*1*) of this section, the Sistersville Plant shall use Method 18 of 40 CFR part 60, appendix A; alternatively, any other method or data that has been validated according to the applicable procedures in Method 301 of 40 CFR part 63, appendix A may be used. The following procedures shall be used to calculate percent reduction efficiency:

(A) The minimum sampling time for each run shall be 1 hour in which either an integrated sample or a minimum of four grab samples shall be taken. If grab sampling is used, then the samples shall be taken at approximately equal intervals in time such as 15 minute intervals during the run.

(B) The mass rate of TOC minus methane and ethane (E_i, E_o) shall be computed. All organic compounds (minus methane and ethane) measured by Method 18 of 40 CFR part 60, Appendix A are summed using the following equations:

$$E_i = K_2\left(\sum_{j=1}^{n} C_{ij}M_{ij}\right)Q_i$$

$$E_o = K_2\left(\sum_{j=1}^{n} C_{oj}M_{oj}\right)Q_o$$

where:

C_{ij}, C_{oj} = Concentration of sample component j of the gas stream at the inlet and outlet of the control device, respectively, dry basis, parts per million by volume.
E_i, E_o = Mass rate of TOC (minus methane and ethane) at the inlet and outlet of the control device, respectively, dry basis, kilogram per hour.
M_{ij}, M_{oj} = Molecular weight of sample component j of the gas stream at the inlet and outlet of the control device, respectively, gram/gram-mole.
Q_i, Q_o = Flow rate of gas stream at the inlet and outlet of the control device, respectively, dry standard cubic meter per minute.
K_2 = Constant, 2.494×10^{-6} (parts per million)$^{-1}$ (gram-mole per standard cubic meter) (kilogram/gram) (minute/hour), where standard temperature (gram-mole per standard cubic meter) is 20 °C.

(C) The percent reduction in TOC (minus methane and ethane) shall be calculated as follows:

$$R = \frac{E_i - E_o}{E_i}(100)$$

where:

R = Control efficiency of control device, percent.
E_i = Mass rate of TOC (minus methane and ethane) at the inlet to the control device as calculated under paragraph (f)(4)(iv)(B) of this section, kilograms TOC per hour.
E_o = Mass rate of TOC (minus methane and ethane) at the outlet of the control device, as calculated under paragraph (f)(4)(iv)(B) of this section, kilograms TOC per hour.

(5) At the time of the initial performance test of the process vent thermal incinerator required under paragraph (f)(2)(ii)(B) of this section, the Sistersville Plant shall inspect each closed vent system according to the procedures specified in paragraphs (f)(5)(i) through (f)(5)(vi) of this section.

(i) The initial inspections shall be conducted in accordance with Method 21 of 40 CFR part 60, appendix A.

(ii)(A) Except as provided in paragraph (f)(5)(ii)(B) of this section, the detection instrument shall meet the performance criteria of Method 21 of 40 CFR part 60, appendix A, except the instrument response factor criteria in section 3.1.2(a) of Method 21 of 40 CFR part 60, appendix A shall be for the average composition of the process fluid not each individual volatile organic compound in the stream. For process streams that contain nitrogen, air, or other inerts which are not organic hazardous air pollutants or volatile organic compounds, the average stream response factor shall be calculated on an inert-free basis.

(B) If no instrument is available at the plant site that will meet the performance criteria specified in paragraph (f)(5)(ii)(A) of this section, the instrument readings may be adjusted by multiplying by the average response factor of the process fluid, calculated on an inert-free basis as described in paragraph (f)(5)(ii)(A) of this section.

(iii) The detection instrument shall be calibrated before use on each day of its use by the procedures specified in Method 21 of 40 CFR part 60, appendix A.

(iv) Calibration gases shall be as follows:

(A) Zero air (less than 10 parts per million hydrocarbon in air); and

(B) Mixtures of methane in air at a concentration less than 10,000 parts per million. A calibration gas other than methane in air may be used if the instrument does not respond to methane or if the instrument does not meet the performance criteria specified in paragraph (f)(5)(ii)(A) of this section. In such cases, the calibration gas may be a mixture of one or more of the compounds to be measured in air.

(v) The Sistersville Plant may elect to adjust or not adjust instrument readings for background. If the Sistersville Plant elects to not adjust readings for background, all such instrument readings shall be compared directly to the applicable leak definition to determine whether there is a leak. If the Sistersville Plant elects to adjust instrument readings for background, the Sistersville Plant shall measure background concentration using the procedures in 40 CFR 63.180(b) and (c). The Sistersville Plant shall subtract background reading from the maximum concentration indicated by the instrument.

(vi) The arithmetic difference between the maximum concentration indicated by the instrument and the background level shall be compared with 500 parts per million for determining compliance.

(6) Definitions of terms as used in paragraphs (f) and (g) of this section.

(i) Closed vent system is defined as a system that is not open to the atmosphere and that is composed of piping, connections and, if necessary, flow-inducing devices that transport gas

or vapor from the capper unit process vent to the thermal incinerator.

(ii) No detectable emissions means an instrument reading of less than 500 parts per million by volume above background as determined by Method 21 in 40 CFR part 60.

(iii) Reuse includes the substitution of collected methanol (without reclamation subsequent to its collection) for virgin methanol as an ingredient (including uses as an intermediate) or as an effective substitute for a commercial product.

(iv) Recovery includes the substitution of collected methanol for virgin methanol as an ingredient (including uses as an intermediate) or as an effective substitute for a commercial product following reclamation of the methanol subsequent to its collection.

(v) Thermal recovery/treatment includes the use of collected methanol in fuels blending or as a feed to any combustion device to the extent permitted by federal and state law.

(vi) Bio-treatment includes the treatment of the collected methanol through introduction into a biological treatment system, including the treatment of the collected methanol as a waste stream in an on-site or off-site wastewater treatment system. Introduction of the collected methanol to the on-site wastewater treatment system will be limited to points downstream of the surface impoundments, and will be consistent with the requirements of federal and state law.

(vii) Start-up shall have the meaning set forth at 40 CFR 63.2.

(viii) Flow indicator means a device which indicates whether gas flow is present in the vent stream, and, if required by the permit for the thermal incinerator, which measures the gas flow in that stream.

(ix) Continuous Recorder means a data recording device that records an instantaneous data value at least once every fifteen minutes.

(x) MON means the National Emission Standards for Hazardous Air Pollutants for the source category Miscellaneous Organic Chemical Production and Processes (''MON''), promulgated under the authority of Section 112 of the Clean Air Act.

(xi) MON Compliance Date means the date 3 years after the effective date of the National Emission Standards for Hazardous Air Pollutants for the source category Miscellaneous Organic Chemical Production and Processes (''MON'').

(7) OSi Specialties, Incorporated, a subsidiary of Witco Corporation (''OSi''), may seek to transfer its rights and obligations under this paragraph (f) to a future owner of the Sistersville Plant in accordance with the requirements of paragraphs (f)(7)(i) through (f)(7)(iii) of this section.

(i) OSi will provide to EPA a written notice of any proposed transfer at least forty-five days prior to the effective date of any such transfer. The written notice will identify the proposed transferee.

(ii) The proposed transferee will provide to EPA a written request to assume the rights and obligations under this paragraph (f) at least forty-five days prior to the effective date of any such transfer. The written request will describe the transferee's financial and technical capability to assume the obligations under this paragraph (f), and will include a statement of the transferee's intention to fully comply with the terms of this paragraph (f) and to sign the Final Project Agreement for this XL Project as an additional party.

(iii) Within thirty days of receipt of both the written notice and written request described in paragraphs (f)(7)(i) and (f)(7)(ii) of this section, EPA will determine, based on all relevant information, whether to approve a transfer of rights and obligations under this paragraph (f) from OSi to a different owner.

(8) The constituents to be identified by the Sistersville Plant pursuant to paragraphs (f)(2)(vi)(C)(*2*)(*ii*) and (f)(2)(viii)(C)(*5*)(*iii*) of this section are: 1 Naphthalenamine; 1,2,4 Trichlorobenzene; 1,1 Dichloroethylene; 1,1,1 Trichloroethane; 1,1,1,2 Tetrachloroethane; 1,1,2 Trichloro 1,2,2 Triflouroethane; 1,1,2 Trichloroethane; 1,1,2,2 Tetrachloroethane; 1,2 Dichlorobenzene; 1,2 Dichloroethane; 1,2 Dichloropropane; 1,2 Dichloropropanone; 1,2 Transdichloroethene; 1,2 Trans-Dichloroethene; 1,2,4,5 Tetrachlorobenzine; 1,3 Dichlorobenzene; 1,4 Dichloro 2 butene; 1,4 Dioxane; 2 Chlorophenol; 2 Cyclohexyl 4,6 dinitrophenol; 2 Methyl Pyridine; 2 Nitropropane; 2,4-Di-nitrotoluene; Acetone; Acetonitrile; Acrylonitrile; Allyl Alcohol; Aniline; Antimony; Arsenic; Barium; Benzene; Benzotrichloride; Benzyl Chloride; Beryllium; Bis (2 ethyl Hexyl) Phthalate; Butyl Alcohol, n; Butyl Benzyl Phthalate; Cadmium; Carbon Disulfide; Carbon Tetrachloride; Chlorobenzene; Chloroform; Chloromethane; Chromium; Chrysene; Copper; Creosol; Creosol, m-; Creosol, o; Creosol, p; Cyanide; Cyclohexanone; Di-n-octyl phthalate; Dichlorodiflouromethane; Diethyl Phthalate; Dihydrosafrole; Dimethylamine; Ethyl Acetate; Ethyl benzene; Ethyl Ether; Ethylene Glycol Ethyl Ether; Ethylene Oxide; Formaldehyde; Isobutyl Alcohol; Lead; Mercury; Methanol; Methoxychlor; Methyl Chloride; Methyl Chloroformate; Methyl Ethyl Ketone; Methyl Ethyl Ketone Peroxide; Methyl Isobutyl Ketone; Methyl Methacrylate; Methylene Bromide; Methylene Chloride; Naphthalene; Nickel; Nitrobenzene; Nitroglycerine; p-Toluidine; Phenol; Phthalic Anhydride; Polychlorinated Biphenyls; Propargyl Alcohol; Pyridine; Safrole; Selenium; Silver; Styrene; Tetrachloroethylene; Tetrahydrofuran; Thallium; Toluene; Toluene 2,4 Diisocyanate; Trichloroethylene; Trichloroflouromethane; Vanadium; Vinyl Chloride; Warfarin; Xylene; Zinc.

(g) This paragraph (g) applies only to the facility commonly referred to as the OSi Specialties Plant, located on State Route 2, Sistersville, West Virginia (''Sistersville Plant'').

(1)(i) No later than 18 months from the date the Sistersville Plant receives written notification of revocation of the temporary deferral for the Sistersville Plant under paragraph (f) of this section, the Sistersville Plant shall, in accordance with the implementation schedule submitted to EPA under paragraph (g)(1)(ii) of this section, either come into compliance with all requirements of this subpart which had been deferred by paragraph (f)(1)(i) of this section, or complete a facility or process modification such that the requirements of § 265.1086 of this subpart are no longer applicable to the two hazardous waste surface impoundments. In any event, the Sistersville Plant must complete the requirements of the previous sentence no later than the MON Compliance Date; if the Sistersville Plant receives written notification of revocation of the temporary deferral after the date 18 months prior to the MON Compliance Date, the date by which the Sistersville Plant must complete the requirements of the previous sentence will be the MON Compliance Date, which would be less than 18 months from the date of notification of revocation.

(ii) Within 30 days from the date the Sistersville Plant receives written notification of revocation under paragraph (f)(3)(iv) of this section, the Sistersville Plant shall enter and maintain in the facility operating record an implementation schedule. The implementation schedule shall demonstrate that within 18 months from the date the Sistersville Plant receives written notification of revocation under paragraph (f)(3)(iv) of this section (but no later than the MON Compliance Date), the Sistersville Plant shall either

come into compliance with the regulatory requirements that had been deferred by paragraph (f)(1)(i) of this section, or complete a facility or process modification such that the requirements of § 265.1086 of this subpart are no longer applicable to the two hazardous waste surface impoundments. Within 30 days from the date the Sistersville Plant receives written notification of revocation under paragraph (f)(3)(iv) of this section, the Sistersville Plant shall submit a copy of the implementation schedule to the EPA and WVDEP Project XL contacts identified in paragraph (f)(2)(viii)(H) of this section. The implementation schedule shall reflect the Sistersville Plant's effort to come into compliance as soon as practicable (but no later than 18 months after the date the Sistersville Plant receives written notification of revocation, or the MON Compliance Date, whichever is sooner) with all regulatory requirements that had been deferred under paragraph (f)(1)(i) of this section, or to complete a facility or process modification as soon as practicable (but no later than 18 months after the date the Sistersville Plant receives written notification of revocation, or the MON Compliance Date, whichever is sooner) such that the requirements of § 265.1086 of this subpart are no longer applicable to the two hazardous waste surface impoundments.

(iii) The implementation schedule shall include the information described in either paragraph (g)(1)(iii) (A) or (B) of this section.

(A) Specific calendar dates for: Award of contracts or issuance of purchase orders for the control equipment required by those regulatory requirements that had been deferred by paragraph (f)(1)(i) of this section; initiation of on-site installation of such control equipment; completion of the control equipment installation; performance of any testing to demonstrate that the installed control equipment meets the applicable standards of this subpart; initiation of operation of the control equipment; and compliance with all regulatory requirements that had been deferred by paragraph (f)(1)(i) of this subpart.

(B) Specific calendar dates for the purchase, installation, performance testing and initiation of operation of equipment to accomplish a facility or process modification such that the requirements of § 265.1086 of this subpart are no longer applicable to the two hazardous waste surface impoundments.

(2) Nothing in paragraph (f) or (g) of this section shall affect any regulatory requirements not referenced in paragraph (f)(2) (i) or (ii) of this section, as applicable to the Sistersville Plant.

(3) In the event that a notification of revocation is issued pursuant to paragraph (f)(3)(iv) of this section, the requirements referenced in paragraph (f)(1)(iii) of this section are temporarily deferred, with respect to the two hazardous waste surface impoundments, provided that the Sistersville Plant is in compliance with the requirements of paragraphs (f)(2)(ii), (f)(2)(iii), (f)(2)(iv), (f)(2)(v), (f)(2)(vi) and (g) of this section, except as provided under paragraph (g)(4) of this section. The temporary deferral of the previous sentence shall be effective beginning on the date the Sistersville Plant receives written notification of revocation, and subject to paragraph (g)(5) of this section, shall continue to be effective for a maximum period of 18 months from that date, provided that the Sistersville Plant is in compliance with the requirements of paragraphs (f)(2)(ii), (f)(2)(iii), (f)(2)(iv), (f)(2)(v), (f)(2)(vi) and (g) of this section at all times during that 18-month period.

(4) In the event that a notification of revocation is issued pursuant to paragraph (f)(3)(iv) of this section as a result of the permanent removal of the capper unit from methyl capped polyether production service, the requirements referenced in paragraph (f)(1)(iii) of this section are temporarily deferred, with respect to the two hazardous waste surface impoundments, provided that the Sistersville Plant is in compliance with the requirements of paragraphs (f)(2)(vi), and (g) of this section. The temporary deferral of the previous sentence shall be effective beginning on the date the Sistersville Plant receives written notification of revocation, and subject to paragraph (g)(5) of this section, shall continue to be effective for a maximum period of 18 months from that date, provided that the Sistersville Plant is in compliance with the requirements of paragraphs (f)(2)(vi) and (g) of this section at all times during that 18-month period.

(5) In no event shall the temporary deferral provided under paragraph (g)(3) or (g)(4) of this section be effective after the MON Compliance Date.

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DEPARTMENT OF HEALTH AND HUMAN SERVICES

Health Care Financing Administration

42 CFR Parts 400, 409, 410, 411, 412, 413, 424, 440, 485, 488, 489 and 498

[BPD–878–CN]

RIN 0938–AH55

Medicare Program; Changes to the Hospital Inpatient Prospective Payment Systems and Fiscal Year 1998 Rates; Corrections

AGENCY: Health Care Financing Administration (HCFA), HHS.

ACTION: Final rule with comment period; correction notice.

SUMMARY: In the August 29, 1997, issue of the **Federal Register** (62 FR 45966), we published a final rule with comment period revising the Medicare hospital inpatient prospective payment systems for operating costs and capital-related costs to implement necessary changes resulting from the Balanced Budget Act of 1997, Pub. L. 105–33, and changes arising from our continuing experience with the system. This document corrects errors made in that document.

EFFECTIVE DATE: October 1, 1997.

FOR FURTHER INFORMATION CONTACT: Nancy Edwards, (410) 786–4531.

SUPPLEMENTARY INFORMATION: In the preamble of the August 29, 1997 final rule with comment period, we indicated that if a hospital believed its wage index value was incorrect as a result of an intermediary or HCFA error that the hospital could not have known about before reviewing data made available in mid-August, the hospital had to notify the intermediary and HCFA in writing, no later than September 15, 1997 (see 62 FR 45989). As a result of this process, we have corrected the wage data for 10 hospitals and included the wage data for 2 hospitals that were erroneously omitted. In addition, the Balanced Budget Act of 1997, Public Law 105–33, allowed hospitals meeting specific criteria to be reclassified for fiscal year (FY) 1998 and subsequent years. Because these reclassification decisions were made after publication of the final rule with comment period, the impact on their area wage indexes are reflected below. Accordingly, the wage index values for several areas have changed and are corrected in this document.

The August 29, 1997 final rule with comment period also contained technical and typographic errors. Therefore, we are making the following corrections to the final rule with comment period:

1. On page 45967, third column, fourth full paragraph, fourth line, the phrase ''are (MDH) for FY 1998 or 1999 will'' is corrected to read ''are not designated as Medicare-dependent small rural hospitals (MDHs) for FY 1998 or 1999 will''.

2. On page 45968, second column, fifth full paragraph, first and second lines, the phrase ''For cost reporting periods beginning on or after'' is corrected to read ''For discharges on or after''.

3. On page 45997, third column, first paragraph, fourth through sixth lines, the phrase ''uses the fixed loss outlier threshold of $7,600 from the proposed rule'' is corrected to read ''uses a fixed loss outlier threshold of $9,700''.

4. On page 46005, third column, first full paragraph, seventh line, the phrase ''December 31, 1990'' is corrected to read ''December 31, 1998''.

5. On page 46019, first column, first paragraph, the table is replaced with the following:

(1) Psychiatric hospital and units	$10,534
(2) Rehabilitation hospitals and units	19,104
(3) Long-term care hospitals	37,688

6. On page 46020, second column, third full paragraph, the table is replaced with the following:

(1) Psychiatric hospital and units	$8,482
(2) Rehabilitation hospitals and units	16,677
(3) Long-term care hospitals	18,947

The changes in item numbers 6 and 7 reflect an update of 3.4 percent that was not included in the data published in the August 29, 1997 final rule with comment period. These changes were made through Program Memorandum A–97–13 on September 29, 1997 and were effective October 1, 1997.

7. On page 46042, second column, in the Table of Cost-of-Living Adjustment Factors, Alaska and Hawaii Hospitals, the cost-of-living adjustment for the County of Hawaii is corrected to read as follows:

County of Hawaii	1.15

8. On pages 46054 through 46069, in Table 3C—Hospital Case Mix Indexes for Discharges Occurring in Federal Fiscal Year 1996; Hospital Average Hourly Wages for Federal Fiscal Year 1998 Wage Index, the average hourly wages for specified providers are corrected to read as follows:

Provider	Case mix index	Avg. hourly wage	Corrected avg. hourly wage
09–0003	01.3454	20.56	24.76
09–0007	01.2828	20.38	21.23
14–0067	01.7828	18.84	18.79
16–0029	01.5134	18.14	18.32
22–0071	01.9236	21.67	23.15
22–0077	01.7917	22.92	23.28
33–0196	01.3114	0.34	28.36
33–0385	01.1776	−2.89	26.83
33–0396	01.3520	24.91	31.58
39–0132	01.3448	15.42	19.77
40–0029	01.1383		9.92
40–0048	01.2251		7.12

9. On pages 46070 through 46076, in Table 4A—Wage Index and Capital Geographic Adjustment Factor (GAF) for Urban Areas, the wage index values and the GAFs for specified areas are corrected to read as follows:

	Urban area	Wage index	GAF	Corrected wage index	Corrected GAF
0060	Aguadilla, PR	0.4224	0.5542	0.4188	0.5510
0470	Arecibo, PR	0.4224	0.5542	0.4218	0.5537
1123	Boston-Worcester-Lawrence-Lowell-Brockton, MA–NH [1]	1.1436	1.0962	1.1498	1.1003
3500	Iowa City, IA	0.9401	0.9586	0.9413	0.9594
5600	New York, NY [1]	1.3982	1.2580	1.4449	1.2866
6120	Peoria-Pekin, IL	0.8586	0.9009	0.8571	0.8998
6160	Philadelphia, PA–NJ [1]	1.1379	1.0925	1.1398	1.0937
7440	San Juan-Bayamon, PR [1]	0.4618	0.5891	0.4625	0.5898
8840	Washington, DC–MD–VA–WV [1]	1.0780	1.0528	1.0911	1.0615

[1] Large Urban Area.

10. On pages 46076 through 46077, in Table 4B—Wage Index and Capital Geographic Adjustment Factor (GAF) for Rural Areas, the wage index value and the GAF for Puerto Rico are corrected to read as follows:

Nonurban area	Wage index	GAF	Corrected wage index	Corrected GAF
Puerto Rico	0.4224	0.5542	0.3939	0.5283

11. On pages 46077 through 46078, in Table 4C—Wage Index and Capital Geographic Adjustment Factor (GAF) for Hospitals That Are Reclassified, the wage index values and the GAFs for specified areas are corrected to read as follows:

Area reclassified to	Wage index	GAF	Corrected wage index	Corrected GAF
Boston-Worcester-Lawrence-Lowell-Brockton, MA-NH	1.1436	1.0962	1.1498	1.1003
Hartford, CT			1.2373	1.1570
Iowa City, IA	0.9198	0.9444	0.9208	0.9451

Area reclassified to	Wage index	GAF	Corrected wage index	Corrected GAF
New York, NY	1.3982	1.2580	1.4449	1.2866
Peoria-Pekin, IL	0.8586	0.9009	0.8571	0.8998
Philadelphia, PA-NJ	1.1379	1.0925	1.1398	1.0937
Washington, DC-MD-VA-WV	1.0780	1.0528	1.0911	1.0615

12. On pages 46078 through 46079, in Table 4D—Average Hourly Wage for Urban Areas, the average hourly wages for specified areas are corrected to read as follows:

Urban area	Average hourly wage	Corrected average hourly wage
Boston-Worcester-Lawrence-Lowell-Brockton, MA–NH	22.9992	23.1215
Iowa City, IA	18.8914	18.9163
New York, NY	28.1700	29.0344
Peoria-Pekin, IL	17.2543	17.2229
Philadelphia, PA–NJ	22.8669	22.9042
San Juan-Bayamon, PR	9.2790	9.2933
Springfield, MA	21.4074	21.5827
Washington, DC–MD–VA–WV	21.6632	21.9255

13. On pages 46079 through 46080, in Table 4E—Average Hourly Wage for Rural Areas, the average hourly wage for Puerto Rico is corrected to read as follows:

Nonurban area	Average hourly wage	Corrected average hourly wage
Puerto Rico	8.4891	7.9149

14. On page 46080, in Table 4F—Puerto Rico Wage Index and Capital Geographic Adjustment Factor (GAF), the wage index values and the GAFs for specified areas are corrected to read as follows:

Area	Wage index	GAF	Corrected wage index	Corrected GAF
Aquadilla, PR	0.9291	0.9509	0.9212	0.9453
Arecibo, PR	0.9291	0.9509	0.9276	0.9498
San Juan-Bayamon, PR	1.0156	1.0107	1.0172	1.0117
Rural Puerto Rico	0.9291	0.9509	0.8663	0.9064

15. On pages 46099 through 46105, Table 7A—Medicare Prospective Payment System; Selected Percentile Lengths of Stay [FY 96 MEDPAR Update 06/97 Grouper V14.0] is corrected by replacing it with the following:

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TABLE 7A - MEDICARE PROSPECTIVE PAYMENT SYSTEM
SELECTED PERCENTILE LENGTHS OF STAY
FY96 MEDPAR UPDATE 06/97 GROUPER V14.0

DRG	NUMBER DISCHARGES	ARITHMETIC MEAN LOS	10TH PERCENTILE	25TH PERCENTILE	50TH PERCENTILE	75TH PERCENTILE	90TH PERCENTILE
1	36951	10.0648	2	4	7	13	21
2	6901	10.5740	3	5	8	13	21
3	2	50.5000	1	1	100	100	100
4	6300	8.4741	2	3	6	10	18
5	103092	3.9356	1	2	3	4	8
6	421	3.2470	1	1	2	4	7
7	12202	11.6121	2	5	8	13	21
8	2380	3.5916	1	1	2	5	8
9	1754	7.1249	1	3	5	9	14
10	20278	7.2768	2	3	5	9	15
11	2956	4.2534	1	2	3	6	9
12	26180	6.8448	2	3	5	8	13
13	6419	5.7747	2	3	5	7	10
14	377399	6.7458	2	3	5	8	13
15	145920	4.0669	1	2	3	5	7
16	14076	6.0979	2	3	5	7	11
17	3098	3.6927	1	2	3	5	7
18	25872	5.8632	2	3	4	7	11
19	7162	4.1086	1	2	3	5	8
20	6113	10.4880	2	5	8	14	21
21	1193	7.1073	2	3	5	9	14
22	2905	4.7621	2	2	4	6	9
23	6083	4.5463	1	2	3	6	9
24	58312	5.3301	1	2	4	6	10
25	22307	3.6053	1	2	3	4	7
26	47	4.7872	1	2	3	6	10
27	3910	5.4939	1	1	3	7	13
28	12971	6.3277	1	2	4	8	13
29	4104	3.7210	1	2	3	5	7
31	3167	4.8244	1	2	3	6	9
32	1486	3.0606	1	1	2	3	6
34	18601	5.8148	1	3	4	7	11
35	3728	3.9144	1	2	3	5	7
36	6766	1.5443	1	1	1	2	2
37	1771	3.9283	1	1	3	5	8
38	198	2.7374	1	1	2	3	5
39	2565	2.0035	1	1	1	2	4
40	2546	3.3342	1	1	2	4	7
42	5437	1.9847	1	1	1	2	4
43	112	3.9643	1	2	3	5	7
44	1479	5.2427	2	3	4	7	9
45	2358	3.6014	1	2	3	5	7
46	3070	4.8485	1	2	4	6	9
47	1208	3.9305	1	1	3	4	7
49	2389	5.2704	1	2	4	6	10
50	3294	2.1072	1	1	2	2	3
51	351	2.8775	1	1	2	3	6
52	109	3.2202	1	1	2	4	7
53	3177	3.6116	1	1	2	4	8
54	2	5.0000	1	1	9	9	9
55	1907	2.9240	1	1	2	3	6
56	749	2.8451	1	1	2	3	6

TABLE 7A - MEDICARE PROSPECTIVE PAYMENT SYSTEM
SELECTED PERCENTILE LENGTHS OF STAY
FY96 MEDPAR UPDATE 06/97 GROUPER V14.0

DRG	NUMBER DISCHARGES	ARITHMETIC MEAN LOS	10TH PERCENTILE	25TH PERCENTILE	50TH PERCENTILE	75TH PERCENTILE	90TH PERCENTILE
57	627	3.9888	1	2	2	5	8
58	1	2.0000	2	2	2	2	2
59	106	3.3302	1	1	2	4	6
60	3	1.0000	1	1	1	1	1
61	243	4.5473	1	1	3	5	11
63	3794	4.6009	1	2	3	5	9
64	3378	6.6442	1	2	5	8	14
65	29508	3.1713	1	2	3	4	6
66	6602	3.4727	1	2	3	4	6
67	495	3.8061	1	2	3	5	7
68	10234	4.3211	2	2	4	5	8
69	2957	3.4711	1	2	3	4	6
70	40	3.3000	1	2	3	4	5
71	128	3.9297	1	2	3	5	7
72	754	3.5000	1	2	3	4	7
73	6264	4.6727	1	2	4	6	9
74	4	3.2500	1	1	2	3	7
75	41373	10.5498	4	5	8	13	20
76	41421	11.7212	3	6	9	14	22
77	2200	5.0882	1	2	4	7	10
78	31195	7.6312	3	5	7	9	13
79	239461	8.6355	3	4	7	11	16
80	8097	6.0569	2	3	5	7	11
81	8	6.6250	2	3	6	7	10
82	71327	7.3212	2	3	6	9	14
83	7548	5.8922	2	3	5	7	11
84	1550	3.4510	1	2	3	4	6
85	20846	6.8720	2	3	5	9	13
86	1392	4.0560	1	2	3	5	8
87	67808	6.4421	1	3	5	8	12
88	361207	5.6530	2	3	5	7	10
89	431130	6.5624	3	4	5	8	12
90	36919	4.6667	2	3	4	6	8
91	44	4.3409	2	2	4	5	9
92	13630	6.6374	2	3	5	8	12
93	1171	4.6866	1	2	4	6	9
94	13860	6.6431	2	3	5	8	13
95	1450	3.9807	1	2	3	5	7
96	59294	5.0564	2	3	4	6	9
97	24137	3.9948	1	2	3	5	7
98	23	3.8261	1	1	2	4	10
99	26720	3.1667	1	1	2	4	6
100	10247	2.2335	1	1	2	3	4
101	20640	4.7304	1	2	4	6	9
102	4568	2.8956	1	1	2	4	5
103	532	48.1579	9	15	32	72	105
104	26477	13.3305	5	8	11	16	24
105	23042	10.2029	5	6	8	12	18
106	107702	11.0480	6	7	9	13	18
107	68747	8.3098	5	6	7	9	13
108	7537	12.0881	4	7	10	15	23
110	63742	10.0928	3	6	8	12	19

TABLE 7A - MEDICARE PROSPECTIVE PAYMENT SYSTEM
SELECTED PERCENTILE LENGTHS OF STAY
FY96 MEDPAR UPDATE 06/97 GROUPER V14.0

DRG	NUMBER DISCHARGES	ARITHMETIC MEAN LOS	10TH PERCENTILE	25TH PERCENTILE	50TH PERCENTILE	75TH PERCENTILE	90TH PERCENTILE
111	5565	6.1146	2	4	6	7	9
112	219732	4.2374	1	2	3	6	8
113	48124	13.1573	4	6	9	16	26
114	9126	8.8386	2	4	7	11	17
115	11726	10.2988	4	6	8	13	18
116	88158	5.0220	1	2	4	6	10
117	3828	4.0470	1	1	3	5	9
118	6772	3.0371	1	1	2	4	7
119	1690	5.1065	1	1	3	7	11
120	39847	8.4640	1	2	5	11	19
121	167129	6.9259	2	4	6	9	12
122	91366	4.6312	1	2	4	6	8
123	46259	4.4861	1	1	2	6	11
124	153509	4.5906	1	2	4	6	9
125	61083	2.9375	1	1	2	4	6
126	5166	12.8142	4	6	10	16	26
127	709301	5.7991	2	3	5	7	11
128	18599	6.3459	3	4	6	7	10
129	4491	3.1639	1	1	1	3	7
130	100064	6.2988	2	4	5	8	11
131	25546	4.8443	1	3	5	6	8
132	165210	3.3140	1	2	3	4	6
133	6158	2.7943	1	1	2	3	5
134	29610	3.6023	1	2	3	4	7
135	8098	4.4395	1	2	3	5	8
136	1153	3.0590	1	1	2	4	6
137	3	9.0000	3	3	8	16	16
138	208875	4.1968	1	2	3	5	8
139	65773	2.7441	1	1	2	3	5
140	135217	3.1677	1	2	3	4	6
141	78828	4.0833	1	2	3	5	7
142	35793	2.9455	1	1	2	4	5
143	138166	2.3966	1	1	2	3	4
144	76722	5.3753	1	2	4	7	11
145	6376	2.9864	1	1	2	4	6
146	9883	10.5263	6	7	9	12	17
147	1673	6.9050	4	5	7	8	10
148	149749	12.6194	6	7	10	15	22
149	14256	7.1282	4	5	7	8	10
150	24565	11.1079	4	6	9	14	20
151	4262	6.1100	2	3	6	8	11
152	4725	8.4855	4	5	7	10	14
153	1641	5.7776	3	4	6	7	9
154	35223	14.0521	4	7	11	17	27
155	4548	5.0079	1	2	4	7	9
156	4	10.7500	3	3	4	5	31
157	9475	5.6004	1	2	4	7	11
158	4358	2.7838	1	1	2	4	6
159	18293	5.0712	1	2	4	6	10
160	9550	2.7693	1	1	2	4	5
161	14988	4.2188	1	2	3	5	9
162	7392	2.0878	1	1	1	3	4

TABLE 7A - MEDICARE PROSPECTIVE PAYMENT SYSTEM
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DRG	NUMBER DISCHARGES	ARITHMETIC MEAN LOS	10TH PERCENTILE	25TH PERCENTILE	50TH PERCENTILE	75TH PERCENTILE	90TH PERCENTILE
163	10	4.7000	1	1	2	8	10
164	5382	8.7124	4	5	7	10	15
165	1590	5.4094	2	3	5	7	8
166	3367	5.4164	2	3	4	7	10
167	2276	2.9587	1	2	3	4	5
168	1840	4.7288	1	2	3	6	9
169	933	2.5638	1	1	2	3	5
170	13057	11.7430	2	5	9	15	23
171	1059	5.0888	1	2	4	6	10
172	33120	7.3970	2	3	5	9	15
173	2099	3.9700	1	2	3	5	8
174	240349	5.1449	2	3	4	6	9
175	21405	3.2299	1	2	3	4	6
176	17949	5.7572	2	3	4	7	11
177	11857	4.7298	2	3	4	6	8
178	3735	3.3414	1	2	3	4	6
179	12182	6.7201	2	3	5	8	13
180	89279	5.6551	2	3	4	7	11
181	21316	3.7131	1	2	3	5	7
182	239438	4.5657	1	2	4	6	8
183	69818	3.1716	1	2	3	4	6
184	88	3.6364	1	2	3	4	7
185	4173	4.8174	1	2	4	6	10
186	3	3.6667	2	2	4	5	5
187	932	3.9635	1	2	3	5	8
188	70915	5.7802	1	3	4	7	11
189	7922	3.3871	1	1	3	4	7
190	99	4.9192	1	2	3	5	11
191	11183	14.8821	4	7	11	18	30
192	780	7.1308	2	4	6	9	12
193	8399	12.9303	5	7	11	16	23
194	660	7.4924	2	4	6	9	13
195	8782	9.8539	4	6	8	12	17
196	629	6.3259	3	4	6	8	10
197	27404	8.6998	3	5	7	10	15
198	7093	4.7194	2	3	4	6	8
199	2178	10.7140	3	5	8	14	22
200	1551	11.2863	2	4	8	14	23
201	1566	15.0811	4	7	11	19	29
202	28611	7.1039	2	3	5	9	14
203	29634	7.1581	2	3	6	9	14
204	53354	6.3393	2	3	5	8	12
205	23176	6.8016	2	3	5	8	14
206	1669	4.2109	1	2	3	5	8
207	37050	5.2852	1	2	4	7	10
208	9948	3.0293	1	1	2	4	6
209	358501	5.8935	3	4	5	7	9
210	143742	7.6286	4	5	6	9	13
211	26310	5.6081	3	4	5	7	9
212	10	5.2000	2	3	3	5	6
213	7179	8.7551	2	4	7	11	17
214	58435	5.8908	2	3	5	7	11

TABLE 7A - MEDICARE PROSPECTIVE PAYMENT SYSTEM
SELECTED PERCENTILE LENGTHS OF STAY
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DRG	NUMBER DISCHARGES	ARITHMETIC MEAN LOS	10TH PERCENTILE	25TH PERCENTILE	50TH PERCENTILE	75TH PERCENTILE	90TH PERCENTILE
215	45641	3.2818	1	2	3	4	6
216	6407	10.2995	2	4	8	13	21
217	20940	13.7538	3	5	9	17	29
218	24871	5.6287	2	3	4	7	10
219	18974	3.4430	1	2	3	4	6
220	5	4.2000	1	1	4	4	10
221	5181	7.1965	2	3	5	9	14
222	3505	3.8171	1	2	3	5	7
223	19625	2.6998	1	1	2	3	5
224	8139	2.1058	1	1	2	3	4
225	5926	4.6232	1	2	3	6	10
226	5569	6.2550	1	2	4	7	13
227	4377	2.8556	1	1	2	3	5
228	2997	3.4525	1	1	2	4	7
229	1232	2.3612	1	1	2	3	4
230	2492	4.9767	1	2	3	6	10
231	11065	4.7605	1	2	3	6	10
232	556	4.2248	1	1	2	5	9
233	4762	8.2740	2	3	6	10	17
234	2194	3.8847	1	2	3	5	8
235	5563	5.8068	1	3	4	6	11
236	40042	5.5871	2	3	4	7	10
237	1673	4.2110	1	2	3	5	8
238	7672	9.3749	3	4	7	11	17
239	60793	6.9705	2	3	5	8	13
240	13396	6.9369	2	3	5	8	14
241	3013	4.2273	1	2	3	5	8
242	2855	7.1338	2	3	5	9	14
243	80990	5.1239	2	3	4	6	9
244	12531	5.4307	1	3	4	6	10
245	4414	4.0888	1	2	3	5	7
246	1275	4.2235	1	2	3	5	8
247	11507	3.6954	1	2	3	5	7
248	7430	4.9732	1	2	4	6	9
249	10425	3.9777	1	1	3	5	8
250	3638	4.6564	1	2	3	5	9
251	2168	3.0152	1	1	2	4	5
253	19268	5.2492	1	3	4	6	10
254	9406	3.5232	1	2	3	4	6
256	4463	5.6626	1	2	4	7	11
257	22792	3.2065	1	2	3	4	6
258	17068	2.2796	1	1	2	3	4
259	4037	3.1962	1	1	2	3	7
260	4576	1.6635	1	1	1	2	3
261	2263	2.2391	1	1	2	3	4
262	669	3.9746	1	1	3	5	8
263	29345	12.5324	3	5	9	15	24
264	3371	7.2691	2	3	6	9	14
265	4204	7.2552	1	2	5	8	15
266	2586	3.5526	1	1	2	5	7
267	226	4.1770	1	1	2	5	8
268	967	3.5274	1	1	2	4	7

TABLE 7A - MEDICARE PROSPECTIVE PAYMENT SYSTEM
SELECTED PERCENTILE LENGTHS OF STAY
FY96 MEDPAR UPDATE 06/97 GROUPER V14.0

DRG	NUMBER DISCHARGES	ARITHMETIC MEAN LOS	10TH PERCENTILE	25TH PERCENTILE	50TH PERCENTILE	75TH PERCENTILE	90TH PERCENTILE
269	10146	8.4862	2	3	6	11	17
270	3100	3.1906	1	1	2	4	7
271	23041	7.7309	3	4	6	9	14
272	6024	6.6718	2	3	5	8	13
273	1395	5.3677	1	2	4	6	11
274	2647	7.1598	1	3	5	9	15
275	243	3.8477	1	1	2	5	8
276	953	4.7408	1	3	4	6	8
277	80718	6.2272	2	3	5	7	11
278	24912	4.8206	2	3	4	6	8
279	4	4.5000	2	2	2	6	8
280	14160	4.6971	1	2	3	6	9
281	6013	3.3597	1	1	3	4	6
282	1	1.0000	1	1	1	1	1
283	5329	5.0197	1	2	4	6	10
284	1761	3.5548	1	2	3	5	7
285	5653	12.0637	3	5	9	15	23
286	2085	7.1947	3	4	5	8	13
287	6742	12.2094	3	5	8	14	24
288	1244	5.8457	3	4	5	6	9
289	5512	3.4799	1	1	2	3	7
290	8856	2.5833	1	1	2	3	4
291	93	2.1720	1	1	2	3	4
292	5235	11.2050	2	4	8	14	22
293	276	5.8406	1	2	4	7	11
294	84523	5.2489	2	3	4	6	10
295	3775	4.0919	1	2	3	5	8
296	233450	5.7617	2	3	4	7	11
297	31861	3.8491	1	2	3	5	7
298	104	2.5192	1	1	2	3	5
299	1152	5.4852	1	2	4	7	11
300	15757	6.6296	2	3	5	8	13
301	1988	4.3622	1	2	3	5	8
302	8343	10.9475	5	6	8	13	19
303	19359	9.4651	4	5	8	11	17
304	13177	9.5955	2	4	7	12	19
305	2464	4.3194	1	2	4	5	8
306	11671	5.7602	1	2	4	7	12
307	2490	2.5365	1	1	2	3	4
308	9750	6.3917	1	2	4	8	13
309	3377	2.5579	1	1	2	3	5
310	27613	4.3387	1	2	3	5	9
311	8533	2.0544	1	1	2	2	4
312	1880	4.6824	1	2	3	6	10
313	664	2.2846	1	1	2	3	5
315	28798	8.5390	1	2	5	11	19
316	85493	6.9922	2	3	5	9	14
317	858	2.9231	1	1	2	3	6
318	6205	6.6440	1	3	5	8	13
319	432	2.7940	1	1	2	4	6
320	177088	5.8729	2	3	5	7	10
321	23551	4.2640	2	3	4	5	7

TABLE 7A - MEDICARE PROSPECTIVE PAYMENT SYSTEM
SELECTED PERCENTILE LENGTHS OF STAY
FY96 MEDPAR UPDATE 06/97 GROUPER V14.0

DRG	NUMBER DISCHARGES	ARITHMETIC MEAN LOS	10TH PERCENTILE	25TH PERCENTILE	50TH PERCENTILE	75TH PERCENTILE	90TH PERCENTILE
322	93	4.2796	2	2	3	5	8
323	17540	3.3739	1	1	2	4	7
324	8048	2.0035	1	1	2	2	4
325	7043	4.1989	1	2	3	5	8
326	2110	2.8938	1	1	2	4	5
327	15	3.4667	1	1	2	3	12
328	679	3.9308	1	2	3	5	8
329	107	2.3458	1	1	2	3	5
331	44366	5.8399	2	3	4	7	11
332	4479	3.5323	1	1	3	4	7
333	361	5.7258	1	2	4	7	12
334	19427	5.4203	3	4	5	6	8
335	9804	4.0529	2	3	4	5	6
336	59383	3.7631	1	2	3	4	7
337	34307	2.4143	1	2	2	3	4
338	3738	5.0698	1	2	3	6	11
339	2130	4.5873	1	2	3	6	10
340	2	1.5000	1	1	2	2	2
341	5981	3.1155	1	1	2	3	6
342	194	4.1649	1	2	3	6	8
344	3544	3.1168	1	1	2	3	6
345	1364	3.8043	1	1	3	5	8
346	5207	6.2906	1	3	5	8	12
347	382	2.9503	1	1	2	4	6
348	3220	4.4969	1	2	3	5	8
349	744	2.6788	1	1	2	3	5
350	6367	4.6220	2	3	4	6	8
351	2	2.5000	2	2	3	3	3
352	551	3.9800	1	1	3	5	8
353	2722	8.3420	3	4	6	9	16
354	10004	5.9826	3	3	5	7	10
355	5604	3.6253	2	3	3	4	5
356	29927	2.8072	1	2	3	3	4
357	6625	9.3250	4	5	7	11	17
358	28910	4.4709	2	3	4	5	7
359	28337	3.0904	2	2	3	4	4
360	18232	3.2826	1	2	3	4	5
361	680	3.6721	1	1	2	4	8
362	1	1.0000	1	1	1	1	1
363	3930	3.4725	1	2	2	3	7
364	1869	3.4912	1	1	2	4	7
365	2454	7.1520	1	2	4	9	16
366	4507	6.9907	1	3	5	9	15
367	543	2.9263	1	1	2	4	6
368	2396	6.2371	2	3	5	8	12
369	2389	3.4328	1	1	2	4	7
370	1224	5.5074	2	3	4	5	9
371	1107	3.5890	2	3	3	4	5
372	909	3.1177	1	2	2	3	5
373	4166	2.0290	1	1	2	2	3
374	170	2.8824	1	2	2	3	4
375	7	8.4286	1	2	5	9	15

TABLE 7A - MEDICARE PROSPECTIVE PAYMENT SYSTEM
SELECTED PERCENTILE LENGTHS OF STAY
FY96 MEDPAR UPDATE 06/97 GROUPER V14.0

DRG	NUMBER DISCHARGES	ARITHMETIC MEAN LOS	10TH PERCENTILE	25TH PERCENTILE	50TH PERCENTILE	75TH PERCENTILE	90TH PERCENTILE
376	219	3.2055	1	1	2	4	7
377	51	4.0196	1	1	2	4	9
378	195	2.6256	1	2	2	3	4
379	374	2.9278	1	1	2	3	5
380	101	1.8317	1	1	1	2	4
381	184	2.2935	1	1	1	2	5
382	48	1.3333	1	1	1	1	2
383	1616	3.8342	1	2	3	5	8
384	142	2.8380	1	1	2	3	6
385	3	6.6667	1	1	4	15	15
386	1	49.0000	49	49	49	49	49
387	1	62.0000	62	62	62	62	62
389	16	6.2500	3	3	5	7	12
390	7	5.1429	2	2	3	4	7
392	2562	10.5863	4	5	8	13	21
393	2	11.0000	7	7	15	15	15
394	1814	7.5232	1	2	5	9	16
395	68205	4.9806	1	2	4	6	10
396	18	4.0000	1	1	2	7	7
397	16988	5.7650	1	2	4	7	11
398	18434	6.2525	2	3	5	8	12
399	1304	4.0107	1	2	3	5	8
400	7880	9.7100	2	3	7	12	21
401	6792	11.6914	2	5	9	15	24
402	1510	4.2391	1	1	3	6	9
403	39143	8.5499	2	3	6	11	17
404	3818	4.6239	1	2	4	6	9
406	3486	10.0688	3	4	7	13	21
407	700	4.4243	1	2	4	6	8
408	2858	7.6585	1	2	5	9	18
409	5607	5.9162	2	3	4	6	12
410	74657	3.3553	1	2	3	4	5
411	34	2.2941	1	1	1	3	6
412	30	3.3667	1	1	2	5	7
413	8827	8.0314	2	3	6	10	16
414	735	4.5456	1	2	3	6	10
415	44947	14.8941	4	7	11	18	29
416	220123	7.6840	2	4	6	9	14
417	42	4.2857	1	2	3	6	8
418	20661	6.3189	2	3	5	8	12
419	14969	5.2323	2	3	4	6	10
420	2624	3.9737	1	2	3	5	7
421	10783	4.2452	1	2	3	5	8
422	90	3.7444	1	2	3	4	5
423	10953	7.9358	2	3	6	9	16
424	1883	16.7642	2	6	10	19	31
425	15587	4.3867	1	2	3	5	8
426	4759	5.2227	1	2	4	6	11
427	1713	5.2668	1	2	4	7	11
428	944	7.6684	1	3	5	9	16
429	42603	7.8417	2	3	5	9	15
430	56355	9.0159	2	4	7	11	18

TABLE 7A - MEDICARE PROSPECTIVE PAYMENT SYSTEM
SELECTED PERCENTILE LENGTHS OF STAY
FY96 MEDPAR UPDATE 06/97 GROUPER V14.0

DRG	NUMBER DISCHARGES	ARITHMETIC MEAN LOS	10TH PERCENTILE	25TH PERCENTILE	50TH PERCENTILE	75TH PERCENTILE	90TH PERCENTILE
431	222	8.8694	2	3	5	9	17
432	412	5.8422	1	2	3	7	12
433	8270	3.2895	1	1	2	4	7
434	22762	5.2873	2	3	4	6	10
435	16653	4.5296	1	2	4	5	8
436	3557	13.7641	4	8	13	20	26
437	15724	9.9197	4	6	9	13	18
439	1050	8.4581	1	3	6	10	18
440	4863	9.5690	2	3	6	11	20
441	617	3.4376	1	1	2	4	7
442	15702	8.3069	1	3	6	10	17
443	2996	3.3621	1	1	2	4	7
444	3390	4.7661	1	2	4	6	9
445	1251	3.6843	1	1	3	4	6
447	4174	2.6416	1	1	2	3	5
448	29	1.0000	1	1	1	1	1
449	28988	4.0309	1	1	3	5	8
450	6372	2.2461	1	1	1	2	4
451	4	3.0000	1	1	1	2	8
452	21599	5.1541	1	2	4	6	10
453	3633	3.0790	1	1	2	4	6
454	3997	5.1711	1	2	3	6	10
455	916	2.7424	1	1	2	3	6
456	215	7.2930	1	1	3	7	16
457	113	4.8938	1	1	2	6	14
458	1680	15.9685	3	6	12	21	33
459	576	9.3247	2	4	7	12	19
460	2332	6.3203	1	3	5	8	13
461	3239	4.5952	1	1	2	5	11
462	10116	12.9741	4	6	11	17	24
463	13497	4.7743	1	2	4	6	9
464	3208	3.4286	1	2	3	4	7
465	214	3.7477	1	1	2	4	7
466	1784	4.6962	1	1	2	5	10
467	1617	4.2084	1	1	2	4	8
468	60988	14.0873	3	6	11	18	28
471	11672	6.7301	3	4	5	8	11
472	203	24.2217	1	5	18	34	57
473	8739	13.3313	2	4	7	19	34
475	101087	11.4533	2	5	9	15	22
476	6646	12.6538	3	7	11	16	23
477	29783	8.5932	1	3	6	11	18
478	127614	7.6911	1	3	6	10	16
479	17993	4.1800	1	2	3	5	8
480	417	25.2686	8	12	18	30	50
481	257	30.2490	17	21	26	36	50
482	7059	13.4577	5	7	10	15	24
483	40197	43.1598	14	22	34	53	79
484	407	15.4496	3	7	11	20	30
485	3514	10.5552	4	5	8	12	20
486	2518	13.3761	1	6	10	17	27
487	4435	8.1150	2	3	6	10	16

TABLE 7A - MEDICARE PROSPECTIVE PAYMENT SYSTEM
SELECTED PERCENTILE LENGTHS OF STAY
FY96 MEDPAR UPDATE 06/97 GROUPER V14.0

DRG	NUMBER DISCHARGES	ARITHMETIC MEAN LOS	10TH PERCENTILE	25TH PERCENTILE	50TH PERCENTILE	75TH PERCENTILE	90TH PERCENTILE
488	927	17.9569	4	7	13	22	37
489	19830	9.7872	2	4	7	12	20
490	5515	6.0593	1	2	4	7	12
491	10763	3.9181	2	2	3	4	7
492	2229	17.9740	4	5	14	28	37
493	56802	5.6674	1	2	4	7	11
494	25101	2.3728	1	1	2	3	5
495	99	17.8081	7	11	15	23	31
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	11173095						

BILLING CODE 4120–01–C

(Catalog of Federal Domestic Assistance Program No. 93.778, Medical Assistance Program; No. 93.773 Medicare—Hospital Insurance; and No. 93.774, Medicare—Supplementary Medical Insurance)

Dated: February 23, 1998.

Neil J. Stillman,

Deputy Assistant, Secretary for Information Resource Management.

[FR Doc. 98–5384 Filed 3–5–98; 8:45 am]

BILLING CODE 4120–01–P

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

50 CFR Part 648

[Docket No. 971015246–7293–02; I.D. 100897D]

RIN 0648–AK44

Fisheries of the Northeastern United States; Summer Flounder, Scup, and Black Sea Bass Fisheries; 1998 Final Specifications; Correction

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

ACTION: Correction to regulatory text.

SUMMARY: This document contains a correction that is related to the final specifications for the 1998 summer flounder, scup, and black sea bass fisheries, which were published on Thursday, December 18, 1997. A revision was inadvertently not made to a portion of the regulatory text to indicate that the 1998 final specifications include a provision to increase the minimum mesh size threshold for black sea bass. This document revises 50 CFR 648.145(c) to correct this oversight. The dates for the final rule remain unchanged.

DATES: Effective January 1, 1998. The amendments to §§ 648.24(u)(1), 648.200(a), 648.143(a), and § 648.144(a)(1)(i) became effective on January 1, 1998. The final specifications for the 1998 summer flounder, scup, and black sea bass fisheries and notifications of commercial harvest are effective January 1, 1998, through December 31, 1998.

FOR FURTHER INFORMATION CONTACT: Regina L. Spallone, Fishery Policy Analyst, (978) 281–92210.

SUPPLEMENTARY INFORMATION:

Background

The final specifications for the 1998 summer flounder, scup, and black sea bass fisheries, which were published December 18, 1997 (62 FR 66304), contained a provision to increase the catch threshold level that would trigger the minimum mesh size requirement for black sea bass from 100 to 1,000 lb (45.4 to 453.6 kg). The language was revised in the regulatory text of the final specifications for 50 CFR 648.14(u)(1) and 648.144(a)(1)(i). However, the language in 50 CFR 648.145(c) was inadvertently not revised.

List of Subjects in 50 CFR Part 648

Fisheries, Reporting and recordkeeping requirements.

PART 648—FISHERIES OF THE NORTHEASTERN UNITED STATES

1. The authority citation for part 648 continues to read as follows:

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

2. In § 648.145, the first sentence of paragraph (c) is revised to read as follows:

§ 648.145 Possession limit.

* * * * *

(c) Owners or operators of otter trawl vessels issued a moratorium permit under § 648.4(a)(6) and fishing with, or possessing on board, nets or pieces of net that do not meet the minimum mesh requirements and that are not stowed in accordance with § 648.144(a)(4), may not retain 1,000 lb (453.6 kg) or more of black sea bass. * * *

Dated: February 27, 1998.

David L. Evans,

Deputy Assistant Administrator for Fisheries, National Marine Fisheries Service.

[FR Doc. 98–5764 Filed 3–5–98; 8:45 am]

BILLING CODE 3510–22–F

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

50 CFR Part 679

[Docket No. 971208295–7295–01; I.D. 030298C]

Fisheries of the Exclusive Economic Zone Off Alaska; Pacific Cod in the Western Regulatory Area of the Gulf of Alaska

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

ACTION: Closure.

SUMMARY: NMFS is prohibiting directed fishing for Pacific cod by vessels catching Pacific cod for processing by the inshore component in the Western Regulatory Area of the Gulf of Alaska (GOA). This action is necessary to prevent exceeding the interim specification for Pacific cod by vessels catching Pacific cod for processing by the inshore component in this area.

DATES: Effective 1200 hrs, Alaska local time (A.l.t.), March 3, 1998, until 2400 hrs, A.l.t., December 31, 1998.

FOR FURTHER INFORMATION CONTACT: Thomas Pearson, 907–486-6919.

SUPPLEMENTARY INFORMATION: The groundfish fishery in the GOA exclusive economic zone is managed by NMFS according to the Fishery Management Plan for Groundfish of the Gulf of Alaska (FMP) prepared by the North Pacific Fishery Management Council under authority of the Magnuson-Stevens Fishery Conservation and Management Act. Fishing by U.S. vessels is governed by regulations implementing the FMP at subpart H of 50 CFR part 600 and 50 CFR part 679.

The interim specification of Pacific cod total allowable catch (TAC) in the Western Regulatory Area of the GOA was established by the Interim 1998 Harvest Specifications (62 FR 65622, December 15, 1997) as 4,361 metric tons (mt), determined in accordance with § 679.20(c)(2)(i).

In accordance with § 679.20(d)(1)(i), the Administrator, Alaska Region, NMFS (Regional Administrator), has determined that the 1998 interim specification of Pacific cod for processing by the inshore component in the Western Regulatory Area of the GOA will be reached. Therefore, the Regional Administrator is establishing a directed fishing allowance of 4,061 mt, and is setting aside the remaining 300 mt as bycatch to support other anticipated groundfish fisheries. In accordance with § 679.20(d)(1)(iii), the Regional Administrator finds that this directed fishing allowance will soon be reached. Consequently, NMFS is prohibiting directed fishing for Pacific cod by vessels catching Pacific cod for processing by the inshore component in the Western Regulatory Area of the GOA.

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

Classification

This action responds to the interim TAC limitations and other restrictions on the fisheries established in the interim 1998 harvest specifications for groundfish for the GOA. It must be implemented immediately to prevent overharvesting the 1998 interim TAC of Pacific cod allocated for processing by the inshore component in the Western Regulatory Area of the GOA. A delay in the effective date is impracticable and contrary to public interest, and further delay would only result in overharvest. NMFS finds for good cause that the implementation of this action should not be delayed for 30 days. Accordingly, under 5 U.S.C. 553(d), a delay in the effective date is hereby waived.

This action is required by 50 CFR 679.20 and is exempt from review under E.O. 12866.

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

Dated: March 2, 1998.

Gary C. Matlock,

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

[FR Doc. 98–5833 Filed 3–3–98; 1:40 pm]

BILLING CODE 3510–22–F

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

50 CFR Part 679

[Docket No. 971201282–8049–02; I.D. 102897B]

RIN 0648-AK38

Halibut Fisheries in U.S. Convention Waters Off Alaska; Fisheries of the Exclusive Economic Zone Off Alaska; Management Measures to Reduce Seabird Bycatch in the Hook-and-Line Halibut and Groundfish Fisheries

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

ACTION: Final rule.

SUMMARY: NMFS issues regulations to require operators of vessels fishing for Pacific halibut in U.S. Convention waters off Alaska to conduct fishing operations in a specified manner and to employ specified measures intended to reduce seabird bycatch and incidental seabird mortality. This rule also amends the regulations requiring seabird bycatch avoidance measures in the hook-and-line groundfish fisheries of the Bering Sea and Aleutian Islands management area (BSAI) and the Gulf of Alaska (GOA) to exempt small vessels from some of the requirements and to clarify one of the measures. The Pacific halibut fishery measures are intended to mitigate interactions with the short-tailed albatross (*Diomedea albatrus*), an endangered species protected under the Endangered Species Act (ESA), and with other seabird species in fisheries in and off Alaska.

DATES: Effective April 6, 1998.

ADDRESSES: Copies of the Environmental Assessment/Regulatory Impact Review/Final Regulatory Flexibility Analysis (EA/RIR/FRFA) prepared for this final rule may be obtained from NMFS at P.O. Box 21668, Juneau, AK 99802, Attn: Lori J. Gravel, or by calling the Alaska Region, NMFS, at 907–586–7228. Copies of the EA/RIR/FRFA prepared for the action requiring seabird avoidance measures in the BSAI and GOA groundfish hook-and-line fisheries are also available from the above address.

FOR FURTHER INFORMATION CONTACT: Kim S. Rivera, 907–586–7228.

SUPPLEMENTARY INFORMATION: The U.S. groundfish fisheries of the GOA and the BSAI in the exclusive economic zone are managed by NMFS under the Fishery Management Plan for Groundfish of the Gulf of Alaska and the Fishery Management Plan for the Groundfish Fishery of the Bering Sea and Aleutian Islands Area (FMPs). The FMPs were prepared by the North Pacific Fishery Management Council (Council) under the Magnuson-Stevens Fishery Conservation and Management Act (16 U.S.C. 1801 *et seq.*; Magnuson-Stevens Act) and are implemented by regulations for the U.S. fisheries at 50 CFR part 679. General regulations that also pertain to U.S. fisheries appear at subpart H of 50 CFR part 600. The Northern Pacific Halibut Act of 1982 (Halibut Act), 16 U.S.C. 773 *et seq.*, authorizes the Council to develop and NMFS to implement halibut fishery regulations that are in addition to, and not in conflict with, regulations adopted by the International Pacific Halibut Commission (IPHC). Furthermore, the Magnuson-Stevens Act and the Halibut Act authorize the Council and NMFS to make regulatory changes that are consistent with the FMPs and that are necessary to conserve and manage the fixed gear Pacific halibut fisheries.

Background

The issue of seabird bycatch and incidental mortality in commercial fishing operations has been heightened in recent years. Further information on this issue was provided in the preambles to the proposed and final rules implementing seabird avoidance measures in the BSAI and GOA hook-and-line groundfish fisheries (62 FR 10016, March 5, 1997; 62 FR 23176, April 29, 1997), in the EA/RIR/FRFA prepared for that action, in the preamble to the proposed rule for this action (62 FR 65635, December 15, 1997), and in the EA/RIR/FRFA prepared for this action. In addition, the United States is working with the United Nations' Food and Agriculture Organization to conduct a technical consultation on implementing mitigation measures to reduce seabird bycatch in longline fisheries around the world (62 FR 42766, August 8, 1997). NMFS and the U.S. Fish & Wildlife Service (USFWS) are the U.S. co-leaders in this effort.

Recent takes of the endangered short-tailed albatross (two in 1995 and one in 1996) in hook-and-line groundfish fisheries in the BSAI and the GOA underscore a seabird bycatch problem. At its December 1996 meeting, the Council voted unanimously to recommend that all hook-and-line vessels fishing for groundfish in the GOA and BSAI be required to use certain seabird bycatch avoidance measures intended to reduce the incidental mortality of the short-tailed albatross and other seabird species. Furthermore, the Council recommended that these or similar measures be implemented in the Pacific halibut fishery in U.S. Convention waters off Alaska. Addressing a potential seabird bycatch problem in the Pacific halibut fishery is warranted, given the similarities between the Pacific halibut fishery and the hook-and-line groundfish fisheries. At its annual meeting in January 1997, the IPHC reviewed and concurred with the development of seabird avoidance measures for the Pacific halibut fishery in U.S. Convention waters off Alaska.

At its June 1997 meeting, the Council recommended extending the seabird avoidance requirements in the Alaska hook-and-line groundfish fisheries to the Pacific halibut fishery in U.S. Convention waters off Alaska. The Council also recommended that vessels less than 26 ft (7.9 m) length overall (LOA) in the Pacific halibut fishery and in the GOA and BSAI hook-and-line groundfish fisheries be exempt from some of the specified seabird avoidance measures.

NMFS published a proposed rule in the **Federal Register** on December 15, 1997 (62 FR 65635) that proposed seabird avoidance measures for the Pacific halibut fishery in U.S. Convention waters off Alaska. Public comment was invited through January 14, 1998. Two letters containing nine comments were received by the end of the comment period. One letter of six comments was received after the close of the public comment period and addressed two new issues that are addressed under the Response to Comments section.

Pursuant to section 7 of the ESA, NMFS initiated a consultation on the Pacific halibut fishery and proposed regulatory measures to reduce seabird mortality in this fishery with the USFWS in April 1997. In October 1997, NMFS revised the Pacific halibut fishery consultation and initiated an informal consultation on the proposed regulatory measure to exempt vessels less than 26 ft (7.9 m) LOA using hook-and-line gear in the groundfish fisheries in the BSAI or GOA from some of the seabird avoidance measures. In January 1998, USFWS concluded the informal consultation and concurred with

NMFS's assessment that the proposed regulatory measures to reduce seabird mortality in the Pacific halibut fishery and the regulatory exemption for vessels less than 26 ft (7.9 m) LOA using hook-and-line gear in the groundfish fisheries in the BSAI or GOA or in the Pacific halibut fishery are not likely to adversely affect the short-tailed albatross. The consultation on the Pacific halibut fishery itself will be concluded prior to the commencement of the fishery in March 1998.

Required Seabird Bycatch Avoidance Gear and Methods in the Pacific Halibut Fishery

After considering the public comments received, NMFS is implementing the following management measures designed to reduce the incidental mortality of seabirds. These measures apply to operators of vessels fishing with hook-and-line gear for Pacific halibut in U.S. Convention waters off Alaska. These measures are unchanged from those proposed in the **Federal Register** (62 FR 65635, December 15, 1997).

1. All such operators must conduct fishing operations in the following manner:

a. Use hooks that, when baited, sink as soon as they are put in the water. This can be accomplished by any means, including the use of weighted groundlines and/or thawed bait;

b. If offal is discharged while gear is being set or hauled, it must be discharged in a manner that distracts seabirds from baited hooks, to the extent practicable. The discharge site on board a vessel must either be aft of the hauling station or on the opposite side of the vessel from the hauling station; and

c. Make every reasonable effort to ensure that birds brought aboard alive are released alive and that, wherever possible, hooks are removed without jeopardizing the life of the bird.

2. All such operators of vessels greater than or equal to 26 ft (7.9 m) LOA must also employ one or more of the following seabird avoidance measures:

a. Set gear between hours of nautical twilight using only the minimum vessel's lights necessary for safety;

b. Tow a streamer line or lines during deployment of gear to prevent birds from taking hooks;

c. Tow a buoy, board, stick or other device during deployment of gear at a distance appropriate to prevent birds from taking hooks. Multiple devices may be employed; or

d. Deploy hooks underwater through a lining tube at a depth sufficient to prevent birds from settling on hooks during deployment of gear.

This final rule also removes a regulation at 50 CFR 679.24(e)(1)(ii) that effectively exempted halibut fishermen from having to use seabird avoidance gear and methods. When the seabird avoidance measures were promulgated for the Alaska groundfish fisheries, halibut fishermen were exempt until the Council and the IPHC could address this issue in the Pacific halibut fishery. This exemption is no longer appropriate.

Revision of Seabird Avoidance Gear and Methods in the Alaska Groundfish Hook-and-Line Fisheries

This final rule revises the seabird avoidance gear and methods required to be employed by operators of vessels using hook-and-line gear in the groundfish fisheries in the BSAI and GOA to exempt operators of vessels less than 26 ft (7.9 m) LOA from the requirement to employ one or more of the measures set forth under 2., above. They are still required to comply with the measures set forth under 1., above.

This final rule also revises the seabird bycatch avoidance regulations applicable to the BSAI and GOA groundfish fishery to clarify that NMFS intent is that, if offal is discharged while gear is being hauled, it must be discharged in a manner that distracts seabirds, to the extent practicable, from baited hooks. Some persons had misinterpreted the existing regulation as requiring offal to be discharged during the setting or hauling of gear. This was not NMFS' intent.

These two revisions to the seabird avoidance regulations applicable to the BSAI and GOA groundfish fisheries make these regulations the same as the regulations applicable to the Pacific halibut fisheries in U.S. Convention waters.

Suggestions for Streamer Line Construction

In response to public comment, NMFS reiterates suggestions for streamer line construction. Guidelines were published initially in the **Federal Register** on March 5, 1997 (62 FR 10016) and subsequently revised in the preamble to the final rule requiring seabird avoidance measures in the GOA and BSAI groundfish hook-and-line fisheries (62 FR 23176, April 29, 1997).

NMFS revised the guidelines on streamer line construction based on information that indicated streamer line construction should account for variable vessel sizes and gear deployment speeds (New Zealand Department of Conservation, 1997). Large vessels equal to, or greater than, 125 ft (38.1 m) LOA deploying gear at approximately 5 knots may require a thicker dimension of streamer line (for example, 8 millimeters (mm)), than smaller vessels of less than 125 ft (38.1 m) LOA that deploy gear at faster speeds of 7 to 8 knots and that may require streamer lines constructed of material only 5 mm in diameter. The following are the key characteristics of an effective streamer line:

1. All materials used to construct the streamer line and to hold the streamer line in place are strong enough to withstand all weather conditions in which hook-and-line fishing activity is likely to be undertaken;

2. The streamer line is attached to a pole at the stern of the vessel and positioned such that it will be directly above the baited hooks as they are deployed;

3. The height of the streamer line at the point of attachment is 4 to 8 m above sea level;

4. The streamer line for all vessel sizes is constructed of material that is between 5 and 8 mm in diameter;

5. The length of streamer line is a minimum of 150 to 175 m for all vessel sizes;

6. The number of streamers attached to a streamer line is 6 to 10 pairs;

7. The streamers are made of a heavy, flexible material to allow them to move freely and flop unpredictably (for example, streamer cord inserted inside a red polyurethane tubing);

8. The streamer pairs are attached to the bird streamer line using a 3–way swivel or an adjustable snap;

9. The streamers should just skim above the water's surface over the baited hooks.

These characteristics should be taken into consideration when employing a bird streamer line. NMFS may propose that these or similar technical specifications for streamer lines be included in regulations after testing has occurred and information is available on the effectiveness of specifically constructed streamer lines in the Alaskan hook-and-line fisheries.

Evaluation of Effectiveness of Seabird Avoidance Measures

For background information on this topic, see the preamble to the final rule requiring seabird avoidance measures in the GOA and BSAI groundfish hook-and-line fisheries (62 FR 23176, April 29, 1997). NMFS continues to endorse the testing of seabird avoidance measures used in the Alaska hook-and-line fisheries.

In coordination with the USFWS, NMFS is developing a research plan to test the effectiveness of the required measures, as required by USFWS's Biological Opinion issued on February

19, 1997. Substantial progress has been made on the development of such a test plan in coordination with the USFWS. The test plan will test the effectiveness of seabird avoidance measures in two phases: (1) experimental tests of select measures, and (2) an observer phase that would apply the experimental results in the commercial fisheries. Given that very few experimental tests of seabird avoidance measures have occurred in the world (and none in Alaska), methodologies to be used in the experimental testing phase would first be developed in a pilot study. Implementation of either phase of the test plan is dependent upon the availability of adequate funding.

When such tests have occurred and information is available as to the effectiveness and practicability of specific seabird avoidance measures in the Alaska hook-and-line fisheries, NMFS may revise the regulations to reflect such findings. Currently, no new information about the effectiveness of the regulations exists that would warrant NMFS revising the seabird avoidance measures at this time.

Response to Comments

Comment 1. NMFS failed to promulgate seabird avoidance regulations in the Pacific halibut fishery in a timely fashion despite the recommendations of the Council at its December 1996 meeting.

Response. NMFS disagrees. The Council's initial December 1996 recommendations were directed at requiring seabird avoidance measures in the groundfish fisheries. Although, the Council indicated that similar measures were to be implemented for the Pacific halibut fishery, a target date was not specified. NMFS and the Council planned to initiate a separate rulemaking for the Pacific halibut fishery in order to allow the IPHC to first review the proposed measures. The Halibut Act authorizes the Council to develop and NMFS to implement regulations concerning halibut that are in addition to, and not in conflict with, regulations adopted by the IPHC. The IPHC was provided an opportunity to review the proposed regulations at its January 1997 meeting. After receiving IPHC concurrence in January, the Council took final action on proposed measures in the Pacific halibut fishery in June, 1997. Given the time required to prepare proposed and final rulemaking and allow for a public comment period, implementation has not been untimely.

Comment 2. NMFS ignored every recommendation that was submitted by the environmental community in response to the proposed regulations for seabird avoidance measures in the Alaska groundfish hook-and-line fisheries. Those regulations and the proposed regulations for the Pacific halibut fishery deviate substantially from, and are weaker than, the Commission for the Conservation of Antarctic Marine Living Resources (CCAMLR) regulations that NMFS promulgated for the sub-Antarctic seas (61 FR 8483, March 5, 1996). The CCAMLR regulations should be required in Alaska waters.

Response. At this time, NMFS disagrees that the CCAMLR regulations should be required in Alaska waters. Given the similarities between the Alaska groundfish hook-and-line fisheries and the Pacific halibut fishery, NMFS proposed that the seabird avoidance measures required in the groundfish hook-and-line fisheries also be required in the Pacific halibut fishery. As stated in the preamble and in the ''Response to Comments'' section of the final rule requiring seabird avoidance measures in the Alaska groundfish hook-and-line fisheries (62 FR 23176, April 29, 1997), differences exist between the sub-Antarctic longline fisheries governed under the CCAMLR regulations and the Alaska hook-and-line fisheries that warrant the differences in the regulations meant to reduce seabird bycatch. The differences between the sub-Antarctic longline fisheries and the Alaska hook-and-line fisheries include (1) target species, (2) gear and gear deployment, (3) vessel size and vessel configuration, (4) weather and sea conditions, and (5) prevalent seabird species. Patagonia toothfish (*Dissostichus eleginoides*) and southern bluefin tuna (*Thunnus maccoyii*) are key target species in Southern Ocean fisheries. Patagonia toothfish is fished with the Spanish method of bottom longlining, the gear being more buoyant than that used in Alaska. The southern bluefin tuna is a pelagic species fished with pelagic or surface gear. Hooks are attached to branch lines which are attached to the mainline. The main line is suspended between buoys, and the 35 m branch lines hang below the mainline. The majority of the vessels are large (30–50 m) and deploy gear either from the stern or from the side of the vessel at speeds of 10 through 13 knots. The prevalent seabird species incidentally taken are albatrosses and petrels.

In contrast, the Pacific halibut fishery targets halibut, a demersal species fished with bottom gear consisting of groundlines, usually 0.54 km long, with hooks attached to 1 to 1.5 m gangions spaced from 1.5 to 7 m apart along the groundline. In general, the vessels range in length from small skiffs in the several meter range to vessels of 20 through 30 m. Most vessels deploy gear from the stern at speeds of 5 to 7 knots. The prevalent seabird species incidentally taken in the Pacific halibut fishery have not been determined. Given that the halibut fishery occurs in much the same areas as the groundfish fisheries, the species most likely to be taken incidentally are fulmars and gulls in the BSAI, and fulmars and albatross in the GOA.

Bottom gear used in the Pacific halibut fishery is designed to sink quickly to reach the bottom where fishing occurs. Traditionally, gangions have been tied to the groundline at a set spacing (''conventional'' gear), but, more recently, gangions have sometimes been attached to the groundline with a snap fastener (''snap-on'' gear). Conventional gear is set and retrieved as coils, while snap-on gear is set and retrieved on drums. Several groundline units, called skates, are strung together for a fishing unit, weighted with anchors attached to buoys and buoylines. Conventional gear is deployed off the stern over a chute that uses centrifugal force to straighten out the gangion and drop the bait away from the groundline to minimize tangles. Snap-on gear is deployed directly off the drum. With both types of bottom gear, the groundline and bait float for a few seconds before anchors (about 20 kg), and sometimes additional weights (0.5–2 kg) cause them to sink. Sinking rates vary with the vessel. Bottom gear is hauled amidships over a roller. In contrast, surface or pelagic gear used in Southern Ocean fisheries is designed to fish mid-water and may be more buoyant and not sink as quickly. The predominant number of relatively small vessels in the Pacific halibut fishery (approximately 2100 vessels, 7–30 m) raises safety concerns with night-setting of gear as required by CCAMLR regulations (approximately 15–30 vessels, 30–46 m). The technical standards for streamer lines in CCAMLR regulations is not appropriate for the gear deployment speed used by the majority of the vessels in the Pacific halibut fishery. No studies have been conducted on the effectiveness of CCAMLR seabird avoidance measures on Alaskan bird species. It is not known if the effectiveness of these measures is taxonomically dependent.

The CCAMLR regulations reflect the development of seabird avoidance measures designed for specific fisheries and operating conditions. Current information suggests that seabird avoidance techniques appropriate for one fishery may not be appropriate for

another (Duckworth, 1995; CCAMLR, 1996). CCAMLR has been refining its conservation measures each year since 1990, based upon experience in the Southern Ocean fisheries and is attempting to develop the right set of measures based upon the conditions in the CCAMLR fisheries. Management agencies must assess the needs in a particular fishery and employ measures that are practicable for that fishery. Nigel Brothers of Australia, the primary author of ''Catching Fish Not Birds,'' and the CCAMLR publication ''Fish the Sea Not the Sky'' report that the most applicable solutions for preventing seabirds from taking baits depend on the vessel, its size, the crew, weather and sea conditions, and the time and place fishing occurs. Regulations for a particular fishery must take these factors into consideration. While certain of the CCAMLR regulations appear to be appropriate for the Pacific halibut fishery and are incorporated into this final rule, others may be implemented only if further investigation demonstrates their practicability in the Pacific halibut fishery.

USFWS believes that implementation of the proposed measures is not likely to adversely affect the short-tailed albatross (USFWS, 1998). Implementation of specific requirements, such as those adopted by CCAMLR, would not be prudent at this time because no information is available on the effectiveness of these measures with the gear and conditions of Alaska's hook-and-line fisheries. Studies on the effectiveness of seabird bycatch avoidance devices in other fisheries are very limited, and conclusions from those studies are based on small sample sizes. Testing the effectiveness of the required seabird avoidance measures will allow NMFS to better ascertain the effectiveness of these measures in the Alaska fisheries. NMFS continues to work with USFWS to develop an appropriate research plan, as discussed here. When such tests have occurred and information is available as to the effectiveness and practicability of specific seabird avoidance measures in the Alaska hook-and-line fisheries, NMFS may revise the regulations to reflect such findings.

Comment 3. NMFS's proposed amendment to clarify the offal discharge requirement in the Alaska groundfish hook-and-line fisheries is an improvement. Nevertheless, the regulation adopted under CCAMLR is preferable because it prohibits the discharge of offal at any time while gear is being set and requires that the discharge of offal during the haul be avoided as far as possible. NMFS should require the same in Alaska waters.

Response. NMFS agrees that the Alaska offal discharge regulation, as revised, is clearer. NMFS disagrees that the regulation should be replaced with the CCAMLR regulation. The CCAMLR regulation does not prohibit offal discharge as the commenter suggests. Rather, the CCAMLR regulation states that ''the dumping of offal shall be avoided as far as possible while longlines are being set or hauled; if discharge of offal is unavoidable, the discharge must take place on the opposite side of the vessel to that where longlines are set or hauled'' (61 FR 8483, March 5, 1996). In practice, the Alaska regulation is very similar to the CCAMLR regulation. Under the Alaska regulation, offal must be discharged in a way that distracts seabirds from baited hooks (i.e., discharge must take place on the opposite side of the vessel to that where longlines are set or hauled). Furthermore, a recent study of the demersal longline fishery for toothfish (*Dissostichus eleginoides*) near the Kerguelen Islands in the South Indian Ocean has shown that the dumping of homogenized offal during gear deployment greatly reduced incidental capture of seabirds, because birds were more attracted to the offal than to baited hooks (Cherel *et al.*, 1996). This finding is similar to comments provided by Alaska longliners during the comment period for the rule requiring seabird avoidance measures in the groundfish hook-and-line fisheries. For practical and safety reasons, offal discharge cannot be avoided by most of the vessels in the Pacific halibut fishery or in the Alaska groundfish fisheries. Most of the smaller vessels discharge offal while hauling gear. Some vessel operators have reported that discharging offal on the opposite side of the vessel from where gear is deployed distracts seabirds from the baited hooks, thus reducing the potential for seabirds getting hooked. Furthermore, some of the smaller vessels do not discharge offal at all while fishing, but retain whole fish.

Comment 4. NMFS should not exempt vessels less than 26 ft (7.9 m) LOA from the required use of one or more of the measures specified at § 679.24(e)(3). NMFS acknowledges that relatively little scientific information is available regarding the relationship of vessel size to seabird bycatch. No scientific or legal justification for this exemption exists, and the exemption might violate the incidental take permit and Biological Opinion from the USFWS for the short-tailed albatross.

Response. NMFS is required by the Magnuson-Stevens Act to base all conservation and management measures upon the best scientific information available. The best scientific information that is available on this subject indicates that variations between vessels in the numbers of observed seabird catches appear to be related, at least in part, to the extent to which birds accumulate around vessels. This, in turn, is a function of the length of time that offal is discarded. Smaller vessels are not as attractive to scavenging seabirds as are larger vessels, which provide a continuous supply of food (Barnes *et al.*, 1997). For example, smaller vessels fishing off the southwest cape in South Africa do not attract large numbers of scavenging birds because hauling and setting periods are much shorter and irregular and the offal is available to birds only for short periods of time and in small quantities (Barnes *et al.*, 1997). This scientific information, in conjunction with information about the typical fishing practices of small vessels that was presented in the proposed rule (62 FR 65635), indicates that vessels of less than 26 ft (7.9 m) LOA are less likely to have a seabird bycatch problem than larger vessels. As noted in the response to comment 3, some of the smaller vessels do not discharge offal at all and are even less attractive to scavenging seabirds. In January 1998, USFWS concluded an informal consultation and concurred with NMFS's assessment that the proposed regulatory measures to reduce seabird mortality in the Pacific halibut fishery and the regulatory exemption for vessels less than 26 ft (7.9 m) LOA using hook-and-line gear in the groundfish fisheries in the BSAI or GOA or vessels less than 26 ft (7.9 m) LOA in the Pacific halibut fishery are not likely to adversely affect the short-tailed albatross (USFWS, 1998). Given that operators of vessels less than 26 ft (7.9 m) LOA using the proposed measures are not likely to adversely affect the short-tailed albatross, the incidental take limit established in the USFWS Biological Opinion for the BSAI and GOA groundfish hook-and-line fisheries applies to only vessels over 26 ft (7.9 m) LOA (USFWS, 1998).

Comment 5. NMFS should require the mandatory use of bird streamer lines by vessels required to use seabird avoidance measures. The use of bird streamer lines should not be optional. The cost of streamer lines is not prohibitive, and there is no excuse for not requiring streamer lines for large vessels, particularly those that choose

not to install a lining tube due to the cost of refitting.

Response. Until measures are scientifically tested in the Alaska hook-and-line fisheries, NMFS will continue to allow some flexibility in the application of seabird avoidance requirements. No scientific evidence exists to indicate that the required measures are not effective, and anecdotal information indicates that they are.

Comment 6. Setting of longline gear at night or towing a ''buoy, board, stick, or other device'' are not sufficient alternatives to the proven efficacy of streamer lines.

Response. As explained in the response to comment 5, no scientific evidence exists to indicate that the required measures are not effective, and anecdotal information indicates that they are. As explained in the response to comment 2, the most efficacious solutions for preventing seabirds from taking baits probably depend on circumstances relating to the vessel, its size, the crew, weather and sea conditions, and the time and place at which fishing occurs. Each of these factors must be considered when designing regulations for a particular fishery. Testing the effectiveness and practicability of the required seabird avoidance measures in Alaska hook-and-line fisheries must occur before definitive comparisons can be made among measures designed to reduce seabird bycatch in the Alaska hook-and-line fisheries. When such tests have occurred and information is available as to the effectiveness and practicability of specific seabird avoidance measures in the Alaska hook-and-line fisheries, NMFS may revise the regulations to reflect such findings. A research test plan to test the effectiveness of the required seabird avoidance measures is being developed in coordination with USFWS.

Comment 7. To ensure that the bait sinks quickly, NMFS should require either that either thawed bait be used, or hooks or groundlines be weighted, or both.

Response. One way the proposed measures would reduce the incidental mortality of short-tailed albatrosses and other seabird species is by preventing seabirds from attempting to seize baited hooks. Two methods for causing baited hooks to sink as soon as they are put in the water are using thawed bait or weighted groundlines. Although the preamble of the proposed rule noted these methods, NMFS believes that specifying the methods by regulation is not necessary. Rather, the regulation requires that the hooks sink as soon as they are put in the water, regardless which method is used. The industry should have the flexibility to select a method that is most appropriate to the vessel and fishing conditions.

The current scientific literature contains very limited amounts of information on the comparative performance of vessels that employ different bait thawing practices (Klaer and Polacheck, 1995). The authors found that fewer seabirds were caught by hook-and-line vessels when semi-thawed bait was used than when the bait was well-thawed. Due to small sample sizes, it would be difficult to determine whether the level of bait thawing had any substantial effects. Typically, the larger halibut vessels employ automatic baiting machines that require semi-thawed bait. Fully thawed bait cannot be used effectively in the mechanized baiting and gear deployment used by most of the larger vessels. Typically, the smaller halibut vessels use hand-baited gear, requiring that the bait is either thawed or partially thawed.

A recent New Zealand study (Duckworth, 1995) found that lower seabird bycatch rates were achieved when thawed baits were used, although these rates were not statistically different from rates achieved through the use of frozen baits. This study called for further studies to measure the effectiveness of (1) the types of bait that sink faster, and (2) the use of weighted hooks on groundlines.

The final rule establishes a performance standard for the Pacific halibut fishery that requires baited hooks to sink as soon as they are put in the water. Given that the specific CCAMLR provisions have not been evaluated in Alaskan hook-and-line fisheries (see response to comment 2) and given the limited amount of information available on their effectiveness, NMFS believes that fishermen must have some flexibility in meeting this performance standard.

Comment 8. NMFS should require both the use of a bird streamer line and the nightsetting of gear.

Response. As explained in the response to comment 2, seabird avoidance techniques appropriate for one fishery may not be appropriate for another. Management agencies must assess the needs in a particular fishery and employ measures that are practicable for that fishery. The final rule requires vessels to use more than one avoidance measure. Regulations at § 679.24(e)(2)(i) and (ii) require seabird avoidance measures of all hook-and-line vessels fishing for Pacific halibut. Section 679.24(e)(2)(iii) requires that every reasonable effort be made to release alive seabirds brought on board. In addition, hook-and-line vessels that are greater than or equal to 26 ft (7.9 m) LOA must employ at least one of four additional seabird avoidance measures set forth at § 679.24(e)(3)(i) through (e)(3)(iv). A vessel may use more than one of these measures at the same time.

Moreover, setting at night may pose safety concerns for smaller vessels. Requiring mandatory night-setting may be neither practicable nor an effective seabird deterrent in the Pacific halibut fishery given that (1) night-setting is not an available avoidance measure during June and July in northern latitudes, (2) the importance of squid in the diet of the short-tailed albatross suggests that short-tailed albatrosses may have nocturnal feeding habits (Sherburne, 1993), and (3) there are safety concerns are related to night-setting by smaller vessels.

New Zealand is one of the leading nations in efforts to reduce seabird bycatch in hook-and-line fisheries. In 1992, licenses issued to Japanese hook-and-line vessels to fish in New Zealand waters required either that streamer lines be used or that gear be deployed at night (Murray *et al.*, 1993). Concerns were raised that recommending that night-setting be mandatory in certain areas would be unwise, given the nocturnal feeding habits of certain seabird species. Beginning in 1993, the use of streamer lines became mandatory for foreign and domestic hook-and-line fishing vessels, and night-setting was removed as a license requirement (Duckworth, 1995). Australia, another leading nation in seabird bycatch reduction efforts, requires the use of streamer lines but does not require night-setting. All other seabird avoidance methods are voluntary.

Seabird avoidance requirements must fit the particular needs of the situation. Until further information is available on the effectiveness of seabird avoidance devices in the Alaskan hook-and-line fisheries, NMFS believes that providing the industry with some flexibility in choosing among possible options to reduce seabird bycatch is appropriate.

Comment 9. The proposed measure at § 679.24(e)(3)(ii) should not specify towing a board or stick as a seabird avoidance measure.

Response. NMFS believes that testimony from Alaskan fishermen on the effectiveness of towing a buoy, board, stick, or other device in reducing seabird bycatch warrants the inclusion of this option in regulations. Any device that moves unpredictably across the water near the gear should help prevent birds from taking baited hooks.

Depending on conditions, towing a buoy, board, stick, or other device may not be totally effective on its own, but combinations of solutions might significantly reduce seabird bycatch. As explained in the response to Comment 2, when tests have occurred and information is available as to the effectiveness and practicability of specific seabird avoidance measures in the Alaska hook-and-line fisheries, NMFS may revise the regulations to reflect such findings.

Comment 10. A weakness of the proposed rule is its lack of guidelines for constructing an effective bird streamer line. The final rule should require the use of effectively designed and built streamer lines and set out guidelines for their construction, performance, and maintenance.

Response. NMFS agrees that guidelines for constructing an effective bird streamer line should be provided. They are included in the preamble of this final rule.

Comment 11. NMFS should be applauded for promulgating these regulations in an attempt to protect seabird populations in the North Pacific. However, the proposed rule should be strengthened in order to effectively reduce bycatch of the short-tailed albatross and other seabirds.

Response. As explained in the response to comment 2, when tests have occurred and information is available as to the effectiveness and practicability of specific seabird avoidance measures in the Alaska hook-and-line fisheries, NMFS may revise the regulations to reflect such findings.

References

Barnes, K.N., P.G. Ryan, and C. Boix-Hinzen. 1997. The Impact of the Hake *Merluccius spp*. Longline Fishery off South Africa on Procellariiform Seabirds. Biological Conservation 82: 227–234.

Cherel, Y., H. Weimerskirch, and G. Duhamel. 1996. Interactions between Longline Vessels and Seabirds in Kerguelen Waters and a Method to Reduce Seabird Mortality. Biological Conservation 75: 63–70.

CCAMLR. 1996. Fish the Sea not the Sky: How to Avoid Bycatch of Seabirds When Fishing With Bottom Longlines. Commission for the Conservation of Antarctic Marine Living Resources, Hobart, Tasmania, Australia.

Duckworth, Kim. 1995. Analysis of Factors Which Influence Seabird Bycatch in the Japanese Southern Bluefin Tuna Longline Fishery in New Zealand Waters, 1989–93. New Zealand Fisheries Assessment Research Document 95/26, Ministry of Fisheries, Wellington.

IPHC. 1997. Draft FAO Longline Background Paper: Pacific Halibut.

Klaer, N. and T. Polacheck. 1995. Japanese Longline Seabird Bycatch in the Australian Fishing Zone April 1991–March 1994. Catch and Catch Rates by Area and Season and an Evaluation of the Effectiveness of Mitigation Measures. CSIRO, Division of Fisheries, Australia.

Murray, T.E., J.A. Bartle, S.R. Kalish, and P.R. Taylor. 1993. Incidental Capture of Seabirds by Japanese Southern Bluefin Tuna Longline Vessels in New Zealand Waters, 1988–1992. Bird Conservation International 3: 181–210.

Sherburne, J. 1993. Status Report on the Short-tailed Albatross, *Diomedea albatrus*. Alaska Natural Heritage Program, Environment and Natural Resources Institute, University of Alaska Anchorage. Anchorage.

USFWS. 1998. Conclusion of Informal Consultation With NMFS on Proposed Rule Requiring Use of Seabird Deterrent Devices for Pacific Halibut Hook-and-line Fisheries with Regulatory Exemptions for Vessels Less Than 26 ft in the Pacific Halibut and BSAI and GOA Groundfish Hook-and-line Fisheries. USFWS communication to NMFS, January 12 and February 17.

Classification

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

At the proposed rule stage, NMFS prepared an IRFA on this action. No comment were received on the IRFA. NMFS has prepared an FRFA, as part of the RIR, that describes the impact this rule would have on small entities. In 1996, 2,124 vessels landed halibut from U.S. Convention waters off Alaska. Of these vessels, 1,935 were less than 60 ft (18.3 m) LOA and NMFS assumes that most of these 1,935 vessels would be considered small entities. Based on the best available information, NMFS cannot predict how many small entities would be affected. Depending on what types of avoidance measures each vessel employs, any number of vessels ranging from zero to 1.935 could experience a reduction of greater than 5 percent in their annual gross annual incomes. Therefore, it is possible that this rule could have a significant negative economic impact on a substantial number of small entities.

A number of alternatives to the rule which would have lessened the economic impact on small entities were considered and rejected. The no-action alternative would not require any vessel, including small entities, to implement seabird avoidance measures in the Pacific halibut fishery, but this alternative would not have accomplished the Council's objective of limiting bycatch. In addition, very significant impacts on small entities could occur if closures were imposed due to the incidental take limit of short-tailed albatross being exceeded. The likelihood of this happening would be greater under the no-action alternative. Alternatives that addressed modifying reporting requirements for small entities were not considered by the Council, or in this analysis, because such alternatives would not reduce seabird interactions and would not mitigate the impacts of this action on small entities.

Several aspects of this rule will minimize the economic effects on small entities. The proposed seabird avoidance measures are based on performance standards rather than on design standards, therefore alleviating a potential economic burden to small entities. The exemption for vessels less than 26 ft (7.9 m) LOA (all small entities) in this rule would also alleviate a potential economic burden to small entities. In 1996, of the 2,124 vessels that made landings in the halibut and sablefish fisheries, 328 were less than 26 ft (7.9 m) LOA (15 percent of total number of vessels making halibut and sablefish landings). In 1996, of the 1,847 vessels that were issued Federal fisheries permits for the BSAI and GOA groundfish fisheries, 47 were less than 26 ft (7.9 m) LOA (2.5 percent of 1996 Federal fisheries permittees). To provide maximum flexibility to participants in the fishery, a number of alternative measures to avoid seabird interaction are included in the rule as options from which a vessel operator may choose in deciding how to comply with this rule. Consequently, there are no additional alternatives that would mitigate the economic impact while achieving this action's purpose.

The economic impacts of this rule would vary depending on which seabird avoidance measures a fisherman employs. The cost of buoys and bird streamer lines as seabird bycatch avoidance devices range from $50 to $250 per vessel. A lining tube is a technology used in fisheries of other nations to deploy baited hooks underwater to avoid birds and is offered as a possible option. NMFS anticipates that the operators of smaller vessels (less than 60 ft (18.3 m)) would choose an avoidance measure other than a lining tube, which could cost as much as $35,000 per vessel. There were 189 hook-and-line vessels equal to or greater

than 60 ft (18.3 m) that made halibut landings in 1996.

Although this action could result in economic impacts on small entities, the no-action alternative could result in even more severe economic impacts. Failure to establish seabird avoidance measures under this action could increase the likelihood of exceeding the incidental take limit to be specified for the short-tailed albatross. In that event, additional measures to minimize the take of short-tailed albatross could be implemented, ranging from those in this rule to more stringent measures, including closures. The economic impacts to small entities resulting from such measures would depend on a variety of factors, although very significant negative impacts could be expected if the halibut fishery were closed due to takes of short-tailed albatross in excess of the incidental take authorized under the section 7 consultation with the USFWS. A copy of the EA/RIR/FRFA is available from NMFS (see **ADDRESSES**).

List of Subjects in 50 CFR Part 679

Alaska, Fisheries, Reporting and recordkeeping requirements.

Dated: March 2, 1998.

David L. Evans,

Deputy Assistant Administrator for Fisheries, National Marine Fisheries Service.

For the reasons set out in the preamble, 50 CFR part 679 is amended as follows:

PART 679—FISHERIES OF THE EXCLUSIVE ECONOMIC ZONE OFF ALASKA

1. The authority citation for 50 CFR part 679 continues to read as follows:

Authority: 16 U.S.C. 773 *et seq.*, 1801 *et seq.*, and 3631 *et seq.*

2. In § 679.24, paragraphs (e)(2)(iv) introductory text, and (e)(2)(iv)(A) through (e)(2)(iv)(D) are redesignated as paragraphs (e)(3) introductory text, and (e)(3)(i) through (e)(3)(iv), respectively, and paragraphs (e)(1), (e)(2)(ii), and newly designated paragraph (e)(3) introductory text are revised to read as follows:

§ 679.24 Gear limitations.

* * * * *

(e) *Seabird avoidance gear and methods for hook-and-line vessels fishing for groundfish*—(1) *Applicability*. The operator of a vessel that is required to obtain a Federal fisheries permit under § 679.4(b)(1) must comply with the seabird avoidance measures in paragraphs (e)(2) and (e)(3) of this section while fishing for groundfish with hook-and-line gear in the BSAI, in the GOA, or in waters of the State of Alaska that are shoreward of the BSAI and the GOA.

(2) *Requirements*. * * *

(ii) If offal is discharged while gear is being set or hauled, it must be discharged in a manner that distracts seabirds from baited hooks, to the extent practicable. The discharge site on board a vessel must be either aft of the hauling station or on the opposite side of the vessel from the hauling station.

* * * * *

(3) For a vessel greater than or equal to 26 ft (7.9 m) LOA, the operator of that vessel described in paragraph (e)(1) of this section must employ one or more of the following seabird avoidance measures:

* * * * *

3. In § 679.42, paragraph (b) is revised to read as follows:

§ 679.42 Limitations on use of QS and IFQ.

* * * * *

(b) *Gear*—(1) *IFQ Fisheries*. Halibut IFQ must be used only to harvest halibut with fishing gear authorized in § 679.2. Sablefish fixed gear IFQ must not be used to harvest sablefish with trawl gear in any IFQ regulatory area, or with pot gear in any IFQ regulatory area of the GOA.

(2) *Seabird avoidance gear and methods*. The operator of a vessel using gear authorized at § 679.2 while fishing for IFQ halibut or hook-and-line gear while fishing for IFQ sablefish must comply with requirements for seabird avoidance gear and methods set forth at § 679.24(e).

[FR Doc. 98–5834 Filed 3–5–98; 8:45 am]

BILLING CODE 3510–22–F

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

50 CFR Part 679

[Docket no. 971112269–8047–02; I.D. 102997A]

RIN 0648-AK13

Fisheries of the Exclusive Economic Zone off Alaska; Management Authority for Black and Blue Rockfish

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

ACTION: Final rule.

SUMMARY: NMFS issues this final rule to implement Amendment 46 to the Fishery Management Plan for Groundfish of the Gulf of Alaska (FMP). Amendment 46 removes black and blue rockfish from the complex of species managed under the FMP. The rule makes conforming changes to the FMP implementing regulations to reflect the removal of black and blue rockfish from the complex. The State of Alaska (State) will regulate fishing for these species by vessels registered under State law. This action is necessary to allow the State to implement more responsive, regionally based, management of these species than is currently possible under the FMP. The intended effect of this action is to repeal duplicative Federal regulations, provide for more responsive State management and prevent localized overfishing of black and blue rockfish stocks.

DATES: Effective April 6, 1998.

ADDRESSES: Copies of Amendment 46 and the Environmental Assessment/Regulatory Impact Review (EA/RIR) and related economic analysis prepared for this action are available from the North Pacific Fishery Management Council, 605 West 4th Ave., Suite 306, Anchorage, AK 99501–2252; telephone: 907–271–2809.

FOR FURTHER INFORMATION CONTACT: Alan Kinsolving, 907–586–7228.

SUPPLEMENTARY INFORMATION:

Management Background and Need for Action

The domestic groundfish fisheries in the exclusive economic zone of the Gulf of Alaska (GOA) are managed by NMFS under the FMP. The FMP was prepared by the North Pacific Fishery Management Council (Council) under the Magnuson-Stevens Fishery Conservation and Management Act (Magnuson-Stevens Act). Regulations governing the groundfish fisheries of the GOA appear at 50 CFR parts 600 and 679.

Amendment 46 was adopted by the Council at its June 1997 meeting and submitted for Secretarial review. A Notice of Availability of the FMP amendment was published in the **Federal Register** on November 5, 1997 (62 FR 59844), with comments invited through January 5, 1998. A proposed rule to implement Amendment 46 was published in the **Federal Register** on December 2, 1997 (62 FR 63690), with comments invited through January 16, 1998. No letters of comment were received on the amendment or on the proposed rule.

Upon reviewing Amendment 46 and the rationale for its adoption by the Council, NMFS has determined that this action is necessary for the conservation

and management of the groundfish fishery of the GOA, and that it is consistent with the Magnuson-Stevens Act and other applicable laws. NMFS approved Amendment 46 on February 3, 1998, under section 304(a) of the Magnuson-Stevens Act.

Amendment 46 transfers the management of black and blue rockfish to the State of Alaska by removing both species from the FMP. This will allow the State to extend its management authority for State registered vessels harvesting black and blue rockfish into Federal waters and should result in more effective conservation measures in both nearshore and offshore areas. By extending the State's existing rockfish sampling programs into Federal waters and using an existing framework of small area harvest guidelines, the State can more rationally manage black and blue rockfish resources. However, the State may impose on State-registered vessels fishing in Federal fisheries only such additional State measures, like bycatch retention limits for blue and black rockfish, as are consistent with the applicable Federal fishing regulations for the fishery in which the vessel is operating. The Council and NMFS do not intend to give the State authority to indirectly regulate other Federal fisheries through State implementation of gear restrictions, area closures or other bycatch control measures. Additional information on this action may be found in the preamble to the proposed rule and in the EA/RIR.

Classification

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

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

List of Subjects in 50 CFR Part 679

Alaska, Fisheries, Reporting and recordkeeping requirements.

Dated: March 2, 1998.

David L. Evans,

Deputy Assistant Administrator for Fisheries, National Marine Fisheries Service.

For the reasons set out in the preamble, 50 CFR part 679 is amended as follows:

PART 679—FISHERIES OF THE EXCLUSIVE ECONOMIC ZONE OFF ALASKA

1. The authority citation for 50 CFR part 679 continues to read as follows:

Authority: 16 U.S.C. 773 *et seq.*, 1801 *et seq.*, and 3631 *et seq.*

2. In § 679.2, a definition of ''rockfish'' is added in alphabetical order to read as follows:

§ 679.2 Definitions.

* * * * *

Rockfish means:

(1) For the Gulf of Alaska: Any species of the genera *Sebastes* or *Sebastelobus* except *Sebastes melanops*, (black rockfish), and *Sebastes mystinus*, (blue rockfish).

(2) For the Bering Sea and Aleutian Islands Management Area: Any species of the genera *Sebastes* or *Sebastelobus*.

* * * * *

3. In § 679.21, paragraph (e)(3)(iv)(D) is revised to read as follows:

§ 679.21 Prohibited species bycatch management.

* * * * *

(e)* * *

(3)* * *

(iv)* * *

(D) *Rockfish fishery*. Fishing with trawl gear during any weekly reporting period that results in a retained aggregate amount of rockfish species that is greater than the retained amount of any other fishery category defined under this paragraph (e)(3)(iv).

* * * * *

4. In § 679.23, paragraph (d)(1) is revised to read as follows:

§ 679.23 Seasons.

* * * * *

(d)* * *

(1) *Directed fishing for trawl rockfish*. Directed fishing for rockfish with trawl gear is authorized from 1200 hours, A.l.t., on the first day of the third quarterly reporting period of a fishing year through 2400 hours, A.l.t., December 31, subject to other provisions of this part.

* * * * *

5. In § 679.50, paragraph (c)(2)(iv) is revised to read as follows:

§ 679.50 Groundfish Observer Program applicable through December 31, 1998.

* * * * *

(c)* * *

(2)* * *

(iv) *Rockfish fishery*. In a retained aggregate catch of rockfish that is greater than the retained catch of any other groundfish species or species group that is specified as a separate groundfish fishery under this paragraph (c)(2).

* * * * *

Table 3 to part 679 [Amended]

6. In Table 3 to Part 679, footnote reference 1 is removed and footnotes 2 and 3 are redesignated as 1 and 2.

Table 10 to part 679 [Amended]

7. In Tables—Part 679, Table 10, footnote 2 is revised to read as follows:

Table 10 to Part 679--Current Gulf of Alaska Retainable Percentage

* * * * *

2/ Aggregated Rockfish means any rockfish except in the Southeast Outside District where demersal shelf rockfish (DSR) is a separate category.

* * * * *

[FR Doc. 98–5839 Filed 3–5–98; 8:45 am]

BILLING CODE 3510–22–F

Proposed Rules

Federal Register
Vol. 63, No. 44
Friday, March 6, 1998

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

NUCLEAR REGULATORY COMMISSION

10 CFR Chapter 1

Issuance of Report on the NRC Regulatory Agenda

AGENCY: Nuclear Regulatory Commission.

ACTION: Issuance of NRC Regulatory Agenda.

SUMMARY: The Nuclear Regulatory Commission (NRC) has issued the *NRC Regulatory Agenda* for the period covering July through December of 1997. This agenda provides the public with information about NRC's rulemaking activities. The *NRC Regulatory Agenda* is a compilation of all rules on which the NRC has recently completed action, or has proposed action, or is considering action, and of all petitions for rulemaking that the NRC has received that are pending disposition. Issuance of this publication is consistent with Section 610 of the Regulatory Flexibility Act.

ADDRESSES: A copy of this report, designated *NRC Regulatory Agenda* (NUREG–0936), Vol. 16, No. 2, is available for inspection, and copying for a fee, at the Nuclear Regulatory Commission's Public Document Room, 2120 L Street, NW. (Lower Level), Washington, DC. In addition, the U.S. Government Printing Office (GPO) sells the *NRC Regulatory Agenda*. To purchase it, a customer may call (202) 512–1800 or write to the Superintendent of Documents, U.S. Government Printing Office, Post Office Box 37082, Washington, DC 20013–7082.

FOR FURTHER INFORMATION CONTACT: David L. Meyer, Chief, Rules and Directives Branch, Division of Administrative Services, Office of Administration, U.S. Nuclear Regulatory Commission, Washington, DC 20555–0001, Telephone: (301) 415–7162, toll-free number (800) 368–5642, e-mail dlm1@nrc.gov.

Dated at Rockville, Maryland, this 27th day of February 1998.

For the Nuclear Regulatory Commission.

David L. Meyer,

Chief, Rules and Directives Branch, Division of Administrative Services, Office of Administration.

[FR Doc. 98–5808 Filed 3–5–98; 8:45 am]

BILLING CODE 7590–01–P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 39

[Docket No. 97–NM–257–AD]

RIN 2120–AA64

Airworthiness Directives; Airbus Model A300, A300–600, and A310 Series Airplanes

AGENCY: Federal Aviation Administration, DOT.

ACTION: Notice of proposed rulemaking (NPRM).

SUMMARY: This document proposes the adoption of a new airworthiness directive (AD) that is applicable to all Airbus Model A300, A300–600, and A310 series airplanes. This proposal would require repetitive tests to detect desynchronization of the rudder servo actuators, and adjustment or replacement of the spring rods of the rudder servo actuators, if necessary. For certain airplanes, this proposal would also require repetitive inspections to detect cracking of the rudder attachments, and repair, if necessary; or modification of the rudder attachments. This proposal is prompted by issuance of mandatory continuing airworthiness information by a foreign civil airworthiness authority. The actions specified by the proposed AD are intended to detect and correct desynchronization of the rudder servo actuators, which could result in reduced structural integrity of the rudder attachments and reduced controllability of the airplane.

DATES: Comments must be received by April 6, 1998.

ADDRESSES: Submit comments in triplicate to the Federal Aviation Administration (FAA), Transport Airplane Directorate, ANM–114, Attention: Rules Docket No. 97–NM–257–AD, 1601 Lind Avenue, SW., Renton, Washington 98055–4056. Comments may be inspected at this location between 9:00 a.m. and 3:00 p.m., Monday through Friday, except Federal holidays.

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

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

SUPPLEMENTARY INFORMATION:

Comments Invited

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

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

Commenters wishing the FAA to acknowledge receipt of their comments submitted in response to this notice must submit a self-addressed, stamped postcard on which the following statement is made: ''Comments to Docket Number 97–NM–257–AD.'' The postcard will be date stamped and returned to the commenter.

Availability of NPRMs

Any person may obtain a copy of this NPRM by submitting a request to the

FAA, Transport Airplane Directorate, ANM–114, Attention: Rules Docket No. 97–NM–257–AD, 1601 Lind Avenue, SW., Renton, Washington 98055–4056.

Discussion

The Direction Générale de l'Aviation Civile (DGAC), which is the airworthiness authority for France, notified the FAA that an unsafe condition may exist on all Airbus Model A300, A300–600, and A310 series airplanes. The DGAC advises that it has received reports of desynchronization of the rudder servo actuators, and consequent structural fatigue damage to the rudder servo actuator attachments due to opposing servo actuator forces. The DGAC also advises that desynchronization of the rudder servo actuators could affect aircraft handling qualities, if the desynchronization is combined with an engine failure and the loss of the related hydraulic system. Subsequent investigation revealed that the desynchronization was caused primarily by malfunction of the spring rods of the rudder servo actuators. Such desynchronization, if not detected and corrected in a timely manner, could result in reduced structural integrity of the rudder attachments and reduced controllability of the airplane.

Explanation of Relevant Service Information

Airbus has issued Service Bulletins A300–27–0188, Revision 2 (for Model A300 series airplanes), A300–27–6036, Revision 2 (for Model A300–600 series airplanes), and A310–27–2082, Revision 2 (for Model A310 series airplanes); all dated October 1, 1997. These service bulletins describe procedures for repetitive tests to detect desynchronization of the rudder servo actuators, and adjustment or replacement of spring rods of the rudder servo actuators, if necessary.

Airbus has also issued Service Bulletins A300–55–0044 (for Model A300 series airplanes), A300–55–6023 (for Model A300–600 series airplanes), and A310–55–2026 (for Model A310 series airplanes); all dated October 22, 1996. If desynchronization beyond certain limits is detected during accomplishment of the repetitive tests described previously, these service bulletins describe procedures for repetitive inspections to detect cracking of the rudder attachments, or modification of the rudder attachments to cold expand the rivet holes.

The DGAC classified these service bulletins as mandatory and issued French airworthiness directive 96–242–208(B) R2, dated November 19, 1997, in order to assure the continued airworthiness of these airplanes in France.

FAA's Conclusions

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

Explanation of Requirements of Proposed Rule

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

Differences Between Proposed Rule and Service Bulletin

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

Cost Impact

The FAA estimates that 103 Airbus Model A300, A300–600, and A310 series airplanes of U.S. registry would be affected by this proposed AD, that it would take approximately 1 work hour per airplane to accomplish the proposed test, and that the average labor rate is $60 per work hour. Based on these figures, the cost impact of the proposed AD on U.S. operators is estimated to be $60 per airplane, per test cycle.

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

Regulatory Impact

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

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

List of Subjects in 14 CFR Part 39

Air transportation, Aircraft, Aviation safety, Safety.

The Proposed Amendment

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

PART 39—AIRWORTHINESS DIRECTIVES

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

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

§ 39.13 [Amended]

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

Airbus Industrie: Docket 97–NM–257–AD.

Applicability: All Model A300, A300–600, and A310 series airplanes, certificated in any category.

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

Compliance: Required as indicated, unless accomplished previously.

To detect and correct desynchronization of the rudder servo actuators, which could result in reduced structural integrity of the rudder attachments and reduced controllability of the airplane, accomplish the following:

(a) Prior to accumulation of 1,300 total flight hours, or within 500 flight hours after the effective date of this AD, whichever occurs later, and thereafter at intervals not to exceed 1,300 flight hours: Perform a test to detect desynchronization of the rudder servo actuators in accordance with Airbus Service Bulletin A300–27–0188, Revision 2, dated October 1, 1997 (for Model A300 series airplanes); A300–27–6036, Revision 2, dated October 1, 1997 (for Model A300–600 series airplanes); or A310–27–2082, Revision 2, dated October 1, 1997, (for Model A310 series airplanes); as applicable. If any desynchronization (rudder movement) is detected, prior to further flight, either adjust or replace, as applicable, the spring rod of the affected rudder servo actuator in accordance with the applicable service bulletin.

Note 2: A test to detect desynchronization of the rudder servo actuators, if accomplished prior to the effective date of this AD in accordance with Airbus Service Bulletin A300–27–0188, dated October 24, 1996, or Revision 1, dated November 5, 1996 (for Model A300 series airplanes); A300–27–6036, dated October 24, 1996, or Revision 1, dated November 5, 1996 (for Model A300–600 series airplanes); or A310–27–2082, dated October 24, 1996, or Revision 1, dated November 5, 1996 (for Model A310 series airplanes); is considered acceptable for compliance with the initial test required by paragraph (a) of this AD.

(b) Except as provided by paragraph (c) of this AD, if any desynchronization (rudder movement) greater than the limit specified in Paragraph B of the Accomplishment Instructions of the applicable service bulletin is detected during any test required by paragraph (a), prior to further flight, accomplish either paragraph (b)(1) or (b)(2) of this AD, in accordance with Airbus Service Bulletin A300–55–0044, dated October 22, 1996 (for Model A300 series airplanes); A300–55–6023, dated October 22, 1996 (for Model A300–600 series airplanes); or A310–55–2026, dated October 22, 1996 (for Model A310 series airplanes); as applicable.

(1) Conduct a visual inspection, high frequency eddy current inspection, or ultrasonic inspection, as applicable, to detect cracking of the rudder attachments; and repeat the inspection thereafter, as applicable, at the intervals specified in the applicable service bulletin. Or

(2) Modify the rudder attachments to cold expand the rivet holes.

(c) If any crack is found during any inspection or modification required by paragraph (b) of this AD, and the applicable service bulletin specifies to contact Airbus for an appropriate action: Prior to further flight, repair the affected structure in accordance with a method approved by the Manager, International Branch, ANM–116, FAA, Transport Airplane Directorate, or in accordance with a method approved by the Direction Générale de l'Aviation Civile (DGAC), which is the airworthiness authority for France.

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

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

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

Note 4: The subject of this AD is addressed in French airworthiness directive 96–242–208(B) R2, dated November 19, 1997.

Issued in Renton, Washington, on February 26, 1998.

Darrell M. Pederson,

Acting Manager, Transport Airplane Directorate, Aircraft Certification Service.

[FR Doc. 98–5606 Filed 3–5–98; 8:45 am]

BILLING CODE 4910–13–U

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 39

[Docket No. 98–CE–24–AD]

RIN 2120–AA64

Airworthiness Directives; Burkhart Grob Luft-und Raumfahrt Models G115C, G115C2, G115D, and G115D2 Airplanes

AGENCY: Federal Aviation Administration, DOT.

ACTION: Notice of proposed rulemaking (NPRM).

SUMMARY: This document proposes to supersede Airworthiness Directive (AD) 96–19–07, which currently requires the following on Burkhart Grob Luft-und Raumfahrt (Grob) Models G115C, G115C2, G115D, and G115D2 airplanes: installing a placard that restricts the never exceed speed (Vne) of the affected airplane models from 184 knots to 160 knots; installing on the airspeed indicator glass a red line at 296 km/h (160 knots); installing a placard that prohibits aerobatic maneuvers; and placing a copy of the AD in the Limitations Section of the airplane flight manual. The proposed AD would temporarily retain the flight restrictions that are currently required by AD 96–19–07; and would eventually require accomplishing certain inspections and modifications, as terminating action for these flight restrictions. The proposed AD is the result of mandatory continuing airworthiness information (MCAI) issued by the airworthiness authority for Germany. The actions specified by the proposed AD are intended to prevent loss of control of the airplane caused by excessive speed or aerobatic maneuvers.

DATES: Comments must be received on or before April 10, 1998.

ADDRESSES: Submit comments in triplicate to the Federal Aviation Administration (FAA), Central Region, Office of the Regional Counsel, Attention: Rules Docket No. 98–CE–24–AD, Room 1558, 601 E. 12th Street, Kansas City, Missouri 64106. Comments may be inspected at this location between 8 a.m. and 4 p.m., Monday through Friday, holidays excepted.

Service information that applies to the proposed AD may be obtained from Burkhart Grob Luft-und Raumfahrt, D–8939 Mattsies, Germany. This information also may be examined at the Rules Docket at the address above.

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

SUPPLEMENTARY INFORMATION:

Comments Invited

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

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

Commenters wishing the FAA to acknowledge receipt of their comments submitted in response to this notice must submit a self-addressed, stamped postcard on which the following statement is made: ''Comments to Docket No. 98–CE–24–AD.'' The postcard will be date stamped and returned to the commenter.

Availability of NPRMs

Any person may obtain a copy of this NPRM by submitting a request to the FAA, Central Region, Office of the Regional Counsel, Attention: Rules Docket No. 98–CE–24–AD, Room 1558, 601 E. 12th Street, Kansas City, Missouri 64106.

Discussion

AD 96–19–07, Amendment 39–9765 (61 FR 49250, September 19, 1996), currently requires the following on Models G115C, G115C2, G115D, and G115D2 airplanes: installing a placard that restricts the never exceed speed (Vne) of the affected airplane models from 184 knots to 160 knots; installing on the airspeed indicator glass a red line at 296 km/h (160 knots); installing a placard that prohibits aerobatic maneuvers; and placing a copy of the AD in the Limitations Section of the airplane flight manual.

AD 96–19–07 was the result of an in-flight breakup of a Grob Model G115D airplane. Investigation of this accident was continuing at the time the FAA issued AD 96–19–07.

Events Since AD 96–19–07 and Relevant Service Information

Since AD 96–19–07 became effective, the Luftfahrt-Bundesamt (LBA), which is the airworthiness authority for Germany, has kept the FAA informed of the investigation results and all other information regarding the above-referenced in-flight breakup. This information resulted in Grob issuing the following service information to address the conditions found through the investigation:

—Grob Service Bulletin No. 1078–59/3, dated October 24, 1996, which specifies procedures for inspecting the nose wheel steering, the sliding canopy and canopy locking mechanism, the attachment of the horizontal stabilizer, the elevator installation, the vertical stabilizer, the rudder installation, and the weights and residual moments of the control surfaces; and repairing any discrepancies;

—Grob Installation Instructions 1078–64, dated December 11, 1996, which specifies procedures for replacing the elevator hinges with parts of improved design, as specified in both Grob Service Bulletin No. 1078–64/2, dated April 8, 1997; and Grob Service Bulletin No. 1078–64, dated December 11, 1996; and

—Grob Service Bulletin No. 1078–66, dated February 10, 1997, which specifies procedures and figures for adjusting the mass and residual moments of the control surfaces.

The LBA classified these service bulletins as mandatory and issued German AD 96–270/2 Grob, dated December 5, 1996; German AD 96–270/3, dated December 4, 1997; and German AD 97–143, dated May 22, 1997, in order to assure the continued airworthiness of these airplanes in Germany.

The FAA's Determination

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

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

Explanation of the Provisions of the Proposed AD

Since an unsafe condition has been identified that is likely to exist or develop in other Grob Models G115C, G115C2, G115D, and G115D2 airplanes of the same type design registered for operation in the United States, the FAA is proposing an AD to supersede AD 96–19–07. The proposed AD would temporarily retain the flight restrictions that are currently required by AD 96–19–07, and would eventually require the inspections and modifications specified in the service information previously referenced, as terminating action for the flight restrictions.

Cost Impact

The FAA estimates that 23 airplanes in the U.S. registry would be affected by the proposed AD, that it would take approximately 40 workhours (modification: 36 workhours; inspection: 4 workhours) per airplane to accomplish the proposed action, and that the average labor rate is approximately $60 an hour. Grob will provide parts free of charge as part of its warranty program. Based on these figures, the total cost impact of the proposed AD on U.S. operators is estimated to be $55,200, or $2,400 per airplane.

Regulatory Impact

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

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

List of Subjects in 14 CFR Part 39

Air transportation, Aircraft, Aviation safety, Safety.

The Proposed Amendment

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

PART 39—AIRWORTHINESS DIRECTIVES

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

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

§ 39.13 [Amended]

2. Section 39.13 is amended by removing Airworthiness Directive (AD) 96–19–07, Amendment 39–9765 (61 FR 49250, September 19, 1996), and adding a new AD to read as follows:

Burkhart Grob Luft-und Raumfahrt: Docket No. 98–CE–24–AD; Supersedes AD 96–19–07, Amendment 39–9765.

Applicability: Model G115C, G115C2, G115D, and G115D2 airplanes, all serial numbers, certificated in any category.

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

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

To prevent loss of control of the airplane caused by excessive speed or aerobatic maneuvers, accomplish the following:

(a) For all serial numbered airplanes, prior to further flight after September 26, 1996 (the effective date of AD 96–19–07), accomplish the following:

(1) Install, on the limitation placard at the left-hand cabin wall, the airspeed placard that is included with Grob Service Bulletin No. 1078–59/2, dated September 2, 1996. This placard reduces the maximum airspeed to 296 kilometers per hour (km/h); equal to 160 knots per hour.

(2) Modify the airspeed indicator glass by accomplishing the following:

(i) Place a red radial line on the indicator glass at 296 km/h (160 knots). The minimum dimensions for this radial line are 0.05-inch in width and 0.30-inch in length.

(ii) Place a white 0.05-inch minimum width slippage index mark that connects both the instrument glass and bezel. This slippage index mark shall not obscure any airspeed markings.

(3) Install, near the airspeed indicator, the red placard included with Grob Service Bulletin No. 1078–59/2 that has the words: ''Aerobatic maneuvers are prohibited.''

(4) Insert a copy of this AD into the Limitations Section of the airplane flight manual.

Note 2: The actions of paragraph (a), including all subparagraphs, is the same as that required by AD 96–19–07, which is superseded by this action. These requirements are being temporarily retained in this AD to provide a grace period for accomplishing the other actions required by this AD.

(b) Within the next 200 hours time-in-service (TIS) after the effective date of this AD, accomplish the following :

(1) For all serial numbered airplanes, inspect the nose wheel steering, the sliding canopy and canopy locking mechanism, the attachment of the horizontal stabilizer, the elevator installation, the vertical stabilizer, the rudder installation, and the weights and residual moments of the control surfaces in accordance with the instructions in Grob Service Bulletin No. 1078–59/3, dated October 24, 1996. Prior to further flight, repair any discrepancies in accordance with the above-referenced service bulletin.

(2) For airplanes incorporating a serial number in the range of 82001 through 82077, replace the elevator hinges with parts of improved design in accordance with Grob Installation Instructions 1078–64, dated December 11, 1996, as specified in both Grob Service Bulletin No. 1078–64/2, dated April 8, 1997; and Grob Service Bulletin No. 1078–64, dated December 11, 1996.

(3) For airplanes incorporating a serial number in the range of 82001 through 82077, after accomplishing the replacement required by paragraph (b)(2) of this AD, adjust the mass and residual moments in accordance with Grob Service Bulletin No. 1078–66, dated February 10, 1997.

(c) Accomplishing the actions required by paragraphs (b)(1), (b)(2), and (b)(3) of this AD eliminates the placard and flight restriction requirements of paragraph (a), including all subparagraphs, of this AD.

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

(e) An alternative method of compliance or adjustment of the compliance times that provides an equivalent level of safety may be approved by the Manager, Small Airplane Directorate, 1201 Walnut, suite 900, Kansas City, Missouri 64106.

(1) The request shall be forwarded through an appropriate FAA Maintenance Inspector, who may add comments and then send it to the Manager, Small Airplane Directorate.

(2) Alternative methods of compliance approved in accordance with AD 96–19–07 are not considered approved as alternative methods of compliance for this AD.

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

(f) Questions or technical information related to service information previously referenced should be directed to Burkhart Grob Luft-und Raumfahrt, D–8939 Mattsies, Germany. This service information may be examined at the FAA, Central Region, Office of the Regional Counsel, Room 1558, 601 E. 12th Street, Kansas City, Missouri 64106.

(g) This amendment supersedes AD 96–19–07, mendment 39–9765.

Note 4: The subject of this AD is addressed in German AD 96–270/2, dated December 5, 1996; German AD 96–270/3, dated December 4, 1997; and German AD 97–143, dated May 22, 1997.

Issued in Kansas City, Missouri, on March 2, 1998.

James E. Jackson,

Acting Manager, Small Airplane Directorate, Aircraft Certification Service.

[FR Doc. 98–5796 Filed 3–5–98; 8:45 am]

BILLING CODE 4910–13–U

SECURITIES AND EXCHANGE COMMISSION

17 CFR Parts 200, 240, 249

[Release No. 34–39704; File Nos. S7–30–97; S7–31–97; S7–32–97]

RIN 3235–AH16, 3235–AG18, 3235–AH29

OTC Derivatives Dealers, Net Capital Rule

AGENCY: Securities and Exchange Commission.

ACTION: Proposed rule; concept release; extension of comment period.

SUMMARY: The Securities and Exchange Commission (''Commission'') is extending the comment periods for two releases proposing rules and rule amendments under the Securities Exchange Act of 1934 (Release Nos. 34–39454 and 34–39455) and one concept release (Release No. 34–39456), which were published in the **Federal Register** on December 30, 1997. The comment period for Release No. 34–39454, concerning OTC derivatives dealers, is being extended to April 6, 1998. The comment period for Release No. 34–39455, concerning the treatment under the Commission's net capital rule of certain interest rate instruments, is being extended to May 4, 1998. The comment period for Release No. 34–39456, addressing the use of statistical models in setting the capital requirements for a broker-dealer's proprietary positions, is being extended to May 4, 1998.

DATES: Comments should be received on or before April 6, 1998 with respect to Release No. 34–39454 (62 FR 67940) (OTC Derivatives Dealers). Comments should be received on or before May 4, 1998 with respect to Release Nos. 34–39455 (62 FR 67996) (Net Capital Rule—Interest Rate Instruments) and 34–39456 (62 FR 68011) (Net Capital Rule—Concept Release).

ADDRESSES: Comments should be submitted in triplicate to Jonathan G. Katz, Secretary, Securities and Exchange Commission, 450 Fifth Street, N.W., Washington, D.C. 20549. Comments may also be submitted electronically at the following E-mail address: rule-comments@sec.gov. Comment letters should refer to File No. S7–30–97 for Release No. 34–39454 (OTC Derivatives Dealers); File No. S7–31–97 for Release No. 34–39455 (Net Capital Rule—Interest Rate Instruments); and File No. S7–32–97 for Release No. 34–39456 (Net Capital Rule—Concept Release). The file numbers should be included on the subject line if E-mail is used. Comment letters received will be available for

public inspection and copying in the Commission's Public Reference Room, 450 Fifth Street, N.W., Washington, D.C. 20549. Electronically submitted comment letters will be posted on the Commission's Internet web site (http://www.sec.gov).

FOR FURTHER INFORMATION CONTACT: *Release No. 34–39454 (OTC Derivatives Dealers) General:* Catherine McGuire, Chief Counsel, Glenn J. Jessee, Special Counsel, or Patrice Gliniecki, Special Counsel, at (202) 942–0073, Division of Market Regulation, Securities and Exchange Commission, 450 Fifth Street, N.W., Mail Stop 7–11, Washington, D.C. 20549.

Financial Responsibility and Books and Records: Michael Macchiaroli, Associate Director, at (202) 942–0132, Peter R. Geraghty, Assistant Director, at (202) 942–0177, Thomas K. McGowan, Special Counsel, at (202) 942–4886, Christopher Salter, Attorney, at (202) 942–0148, Matt Hughey, Accountant, at (202) 942–0143, or Gary Gregson, Statistician, at (202) 942–4156, Division of Market Regulation, Securities and Exchange Commission, 450 Fifth Street, N.W., Mail Stop 2–2, Washington, D.C. 20549.

Release Nos. 34–39455 (Net Capital Rule—Interest Rate Instruments) and 34–39456 (Net Capital Rule—Concept Release): Michael Macchiaroli, Associate Director, at (202) 942–0132, Peter R. Geraghty, Assistant Director, at (202) 942–0177, Thomas K. McGowan, Special Counsel, at (202) 942–4886, Christopher Salter, Attorney, at (202) 942–0148, or Gary Gregson, Statistician, at (202) 942–4156, Division of Market Regulation, Securities and Exchange Commission, 450 Fifth Street, N.W., Mail Stop 2–2, Washington, D.C. 20549.

SUPPLEMENTARY INFORMATION: On December 17, 1997, the Commission issued for comment Release No. 34–39454, soliciting comment on proposed rules and rule amendments under the Exchange Act that would tailor capital, margin, and other broker-dealer regulatory requirements to a class of registered dealers, called OTC derivatives dealers, active in over-the-counter derivatives markets. The proposed regulations for OTC derivatives dealers are intended to allow securities firms to establish dealer affiliates that would be able to compete more effectively against banks and foreign dealers in global over-the-counter markets. The Commission originally requested that comments on the proposed rules and rule amendments be received by March 2, 1998.

On December 17, 1997, the Commission also issued for comment two releases relating to the Commission's capital requirements for broker-dealers. In Release No. 34–39455, the Commission solicited comment on proposed amendments to Rule 15c3–1 [17 CFR 240.15c3–1] under the Exchange Act that would alter the charges, or ''haircuts,'' from net worth in computing net capital for certain interest rate instruments, including government securities, investment grade nonconvertible debt securities, certain mortgage-backed securities, money market instruments, and debt-related derivative instruments. In Release No. 34–39456, the Commission solicited comment on a concept release considering the extent to which statistical models should be used in setting the capital requirements for a broker-dealer's proprietary positions. The Commission originally requested that comments on these two releases be received by March 30, 1998.

The Commission has recently received requests from interested persons to extend the comment periods for these three releases. The Commission believes that extending the comment periods is appropriate in order to give the public additional time to comment on the matters the releases address. Therefore, the comment period for Release No. 34–39454 (OTC Derivatives Dealers) is extended from March 2, 1998 to April 6, 1998, and the comment periods for Release Nos. 34–39455 (Net Capital Rule—Interest Rate Instruments) and 34–39456 (Net Capital Rule—Concept Release) are extended from March 30, 1998 to May 4, 1998.

By the Commission.

Dated: February 27, 1998.

Margaret H. McFarland,

Deputy Secretary.

[FR Doc. 98–5775 Filed 3–5–98; 8:45 am]

BILLING CODE 8010–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Food and Drug Administration

21 CFR Part 314

[Docket No. 97P–0044]

New Drugs for Human Use; Clarification of Requirements for Patent Holder Notification

AGENCY: Food and Drug Administration, HHS.

ACTION: Proposed rule.

SUMMARY: The Food and Drug Administration (FDA) is proposing to amend its regulations on notice of certification of invalidity or noninfringement of a patent to provide additional methods for new drug and abbreviated new drug applicants to provide notice to patent owners and new drug application (NDA) holders, without removing the existing means. These proposed amendments reflect current business practices and are intended to ensure that notice is provided to patent owners and NDA holders in a timely manner. FDA is also proposing to require certain applicants to submit to FDA a copy of the notice of certification.

DATES: Submit written comments by June 4, 1998.

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: Leanne Cusumano, Center for Drug Evaluation and Research (HFD–7), Food and Drug Administration, 5600 Fishers Lane, Rockville, MD 20857, 301–594–2041.

SUPPLEMENTARY INFORMATION:

I. Background

Under §§ 314.52(a) and 314.95(a) (21 CFR 314.52(a) and 314.95(a)), new drug and abbreviated new drug applicants provide notice of certification of invalidity or noninfringement of a patent to patent owners and NDA holders by registered or certified mail, return receipt requested, or by another method approved in advance by the agency. Sections 314.52(c) and 314.95(c) set forth the content requirements of the notice of certification. Under § 314.52(e) and § 314.95(e), applicants must amend their applications to document receipt of the notice of certification by each person provided the notice. Applicants must include a copy of the return receipt or other similar evidence of the date the notification was received. FDA accepts as adequate documentation of the date of receipt a return receipt or a letter acknowledging receipt by the person provided the notice. Under § 314.52(e) and § 314.95(e), applicants may rely on another form of documentation only if FDA has agreed to such documentation in advance.

FDA is proposing to amend these regulations to provide additional methods of giving notice of certification without removing the existing means. On February 4, 1997, FDA received a citizen petition from McKenna & Cuneo, L.L.P., on behalf of the National

Pharmaceutical Alliance (Docket No. 97P–0044/CP1). The petitioner requested that FDA revise §§ 314.52(a) and 314.95(a) to permit notice to patent owners and NDA holders to be given by means in addition to ''registered or certified mail, return-receipt requested.'' The petition also requested that FDA clarify the meaning of the phrase ''by mail or in person'' as used throughout FDA's regulations. The petitioner stated that most FDA regulations require submissions to be made by mail or personal delivery, whereas the patent notification provisions require that notice be provided by registered or certified mail, return receipt requested. The petitioner argued that ''return receipt service can result in inefficient and variable document delivery in certain time-sensitive instances,'' (petition at 2), and that ''a change in the patent certification regulations to include delivery via messenger, delivery and mailing services that provide delivery verification would enable the pharmaceutical industry to utilize efficient, standard business practices for document delivery'' (petition at 4–5).

II. Description of the Proposed Rule

After careful research, FDA decided to propose this regulation in response to the citizen petition. FDA concluded that technological and market changes warrant adoption of regulations permitting notification to patent owners and NDA holders to be given by means in addition to registered or certified mail, return receipt requested. Since §§ 314.52(a) and 314.95(a) were proposed in 1989 (54 FR 28872, July 10, 1989) and finalized in 1994 (59 FR 50338 at 50366, October 3, 1994), the use of private and alternative delivery services has increased dramatically. Between 1988 and 1994, the U.S. Postal Service's market share of mail delivery services dropped from 77 percent to 62 percent, or 15 percentage points (Ref. 1). This means that mail is delivered by means other than the U.S. Postal Service 38 percent of the time. *Nation's Business* (Ref. 2) reports that in 1997:

> [t]he Postal Service now handles about 60 percent of the nation's business-to-business mail, and some in the industry say the figure might drop to 40 percent within five years. Even with its recent upsurge in advertising mail and Priority Mail, the Postal Service's total mail volume increased only 1 percent last year.

In addition, mail services in general are losing market share to facsimiles and e-mail (Refs. 2, 3, and 4).

Under the current regulation, FDA permits notification by means other than registered or certified mail, return receipt requested, but applicants must obtain FDA approval in advance of using an alternative form of documentation (§§ 314.52(e) and 314.95(e)). FDA is interested in ensuring that patent owners and NDA holders receive notification of actions that may affect their patents. Accordingly, all delivery methods that provide verification of receipt serve FDA's purpose. An acceptable verification of receipt includes a receipt that contains the same general type of information as that provided by registered or certified mail, return receipt requested: (1) The address where the article is delivered, (2) identification of the item delivered, (3) the date of receipt, (4) the method of delivery, and (5) the signature of the addressee or his or her agent. To permit applicants to use delivery methods other than registered or certified mail, return receipt requested, FDA is proposing to revise §§ 314.52(a) and 314.95(a) to permit patent certifications to be delivered ''by mail or personal delivery'' for which the applicant obtains ''verification of receipt.''

To explain the phrase ''by mail or personal delivery'' in §§ 314.52(a) and 314.95(a), FDA is proposing to amend § 314.3(b) (21 CFR 314.3(b)) to include the following definition: ''*By mail or personal delivery* means delivery by registered or certified mail, return receipt requested or by an express mail, messenger, delivery, or mailing service, including electronic mailing service or facsimile, provided that verification of receipt is obtained.''

To assist recipients in identifying patent notifications received by means other than by registered or certified mail, return receipt requested, FDA is proposing to amend §§ 314.52(c)(8) and 314.95(c)(8), ''Content of a notice,' to add specific instructions regarding the envelope, and type size and leading of the caption label with the words ''PATENT CERTIFICATION.'' E-mail notices shall state ''PATENT CERTIFICATION'' as the subject line and as the first line of text of the e-mail message.

To clarify the meaning of the phrase ''verification of receipt'' in §§ 314.52(a) and 314.95(a), FDA is proposing to amend §§ 314.52(e) and 314.95(e), ''Documentation of receipt of notice,'' to state that verification of receipt must contain the date notice was delivered, the address to which notice was delivered, and the signature of the recipient.

To accommodate delivery by electronic means, FDA is proposing to amend §§ 314.52(e) and 314.95(e) to permit delivery by electronic mail or facsimile provided certain additional requirements are met. Electronic signatures and electronic records, which includes e-mail and electronic facsimiles, would be required to comply with the provisions of 21 CFR part 11. Facsimile receipts would include the telephone number to which notice was faxed, but would not be required to include the recipient's signature. Electronic mail receipts would include the e-mail address to which notice was delivered, but would not be required to include the recipient's signature.

FDA is also proposing to amend § 314.52(e) to require under section 505(b) of the act (21 U.S.C. 355(b)) applicants to submit a copy of the notice to the agency with the delivery receipt. FDA is proposing this requirement in order to obtain additional information about the relationship between the section 505(b) of the act application and the reference drug(s). This information is particularly desirable in order to avoid confusion in cases in which the section 505(b) of the act application refers to multiple reference drugs.

FDA reminds those providing notice of certification to application holders that if an application holder does not reside or maintain a place of business within the United States, notice must be sent to the application holder's U.S. attorney, agent, or other authorized official (§§ 314.52(a)(2) and 314.95(a)(2)).

FDA seeks comments on this proposal. In particular, FDA is seeking comments addressing the type of receipt which is sufficient to verify deliveries made by electronic mail and facsimile. FDA is also seeking comments regarding how applicants may obtain the correct electronic or facsimile addresses for patent owners and NDA holders in order to ensure that notification is received by a responsible person.

III. References

The following references have been placed on display in the Dockets Management Branch (address above) and may be seen by interested persons between 9 a.m. and 4 p.m., Monday through Friday.

1. Data Analysis Group, ''Market Share of Mail Delivery Services,'' *Computer Industry Forecasts*, April 15, 1996.

2. Bates, S., ''Postal Service Tackles Competition,'' *Nation's Business*, April 1997, 38.

3. Blum, A., ''Two-Day Express Market Taking Off,'' *Journal of Commerce*, June 9, 1997, News section, 1A.

4. Goldstein, M. A., ''Can the U.S. Postal Service Market Itself to Success?'' *Los Angeles Times Magazine*, December 11, 1996, 14.

IV. Environmental Impact

The agency has determined under 21 CFR 25.30(h) that this action is of a class

of actions that do not individually or cumulatively have a significant effect on the human environment. Therefore, neither an environmental assessment nor an environmental impact statement is required.

V. Analysis of Impacts

FDA has examined the impacts of the proposed rule under Executive Order 12866 and the Regulatory Flexibility Act (Pub. L. 96–354 and Pub. L. 104–121). Executive Order 12866 directs agencies to assess all costs and benefits of available regulatory alternatives and, when regulation is necessary, to select regulatory approaches that maximize net benefits (including potential economic, environmental, public health and safety, and other advantages; distributive impacts; and equity). The agency believes that this proposed rule is consistent with the regulatory philosophy and principles identified in the Executive Order and so is not subject to further 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 imposes only alternative reporting, recordkeeping, or other economic burdens, the agency certifies that the proposed rule will not have a significant impact on a substantial number of small entities. Therefore, under the Regulatory Flexibility Act, no further analysis is required.

VI. Paperwork Reduction Act of 1995

The proposed rule contains information collection provisions that are subject to review by the Office of Management and Budget (OMB) under the Paperwork Reduction Act of 1995 (44 U.S.C. 3501–3520). The title, description, and respondent description of the information collection provisions are shown below.

Title: New Drugs for Human Use; Clarification of Requirements for Patent Holder Notification

Description: The Food and Drug Administration (FDA) is proposing to amend its regulations on notice of certification of invalidity or noninfringement of a patent to provide additional methods for new drug and abbreviated new drug applicants to provide notice to patent owners and NDA holders, without removing the existing means. These proposed amendments reflect current business practices and are intended to ensure that notice is provided to patent owners and NDA holders in a timely manner. FDA is also proposing to require applicants to submit to FDA a copy of the notice of certification.

Respondent Description: Businesses and other for-profit organizations, State or local governments, Federal agencies, and nonprofit institutions.

FDA has determined that the information collection provisions of this proposed rule would not impose any additional burdens that have not already been estimated and submitted to OMB for approval under OMB No. 0910–0305 ''Abbreviated New Drug Application Regulations; Patent and Exclusivity Provisions.'' There are additional burdens in this proposed rule that are not already required under current regulations (and specifically approved under OMB No. 0910–0305): (1) New §§ 314.52(c)(8) and 314.95(c)(8) would require the heading ''Patent Certification'' as well as certain print specifications on certain notices. (2) A proposed amendment to § 314.52(e) would require section 505(b) of the act applicants to submit a copy of the notice of certification as an attachment to the verification of receipt. FDA believes that the time and cost for respondents to comply with these new requirements are negligible. The required heading and print specifications would not add any measurable costs to the current requirement for preparing and delivering a notice of certification. Respondents are already required to submit to FDA a certification of receipt, and attaching a copy of the notice of certification would not result in any measurable burden.

List of Subjects in 21 CFR Part 314

Administrative practice and procedure, Confidential business information, Drugs, Reporting and recordkeeping requirements.

Therefore, under the Federal Food, Drug, and Cosmetic Act and under authority delegated to the Commissioner of Food and Drugs, it is proposed that 21 CFR part 314 be amended as follows:

PART 314—APPLICATIONS FOR FDA APPROVAL TO MARKET A NEW DRUG OR AN ANTIBIOTIC DRUG

1. The authority citation for 21 CFR part 314 continues to read as follows:

Authority: 21 U.S.C. 321, 331, 351, 352, 353, 355, 356, 357, 371, 374, 379e.

2. Section 314.3 is amended in paragraph (b) by alphabetically adding a definition for ''By mail or personal delivery,'' to read as follows:

§ 314.3 Definitions.

* * * * *

(b) * * *

* * * * *

By mail or personal delivery means delivery by registered or certified mail, return receipt requested or by an express mail, messenger, delivery, or mailing service, including electronic mailing service or facsimile, provided that verification of receipt is obtained.

* * * * *

3. Section 314.52 is amended by revising the introductory text of paragraph (a) and paragraph (e) and adding paragraph (c)(8) to read as follows:

§ 314.52 Notice of certification of invalidity or noninfringement of a patent.

(a) *Notice of certification*. For each patent that claims the drug or drugs on which investigations that are relied upon by the applicant for approval of its application were conducted or that claims a use for such drug or drugs and that the applicant certifies under § 314.50(i)(1)(i)(A)(*4*) that a patent is invalid, unenforceable, or will not be infringed, the applicant shall give notice of such certification by mail or personal delivery to and shall obtain verification of receipt from each of the following persons: * * *

* * * * *

(c) * * *

(8) The envelope, where applicable, and cover sheet of the notice shall be clearly labeled in 14 point or larger, bold, all capitals type with the words ''PATENT CERTIFICATION.'' E-mail notices shall state ''PATENT CERTIFICATION'' as the subject line and as the first line of text of the e-mail message.

* * * * *

(e) *Documentation of receipt of notice*. The applicant shall amend its application to document receipt of the notice required under paragraph (a) of this section by each person provided the notice. The applicant shall include a copy of the return receipt or other similar evidence of the date the notification was received. A copy of the notice shall be attached to the receipt submitted to the agency if the applicant has made a submission under 21 U.S.C. 355(b). FDA will accept as adequate documentation of the date of receipt a return receipt from registered or certified mail, a letter acknowledging receipt by the person provided the notice, or a verification of receipt that contains the date notice was delivered, the address to which notice was delivered, and the signature of the recipient. Electronic signatures and electronic records shall comply with the provisions of 21 CFR part 11. Facsimile receipts shall also include the telephone number to which notice was faxed, but

need not include the recipient's signature. Electronic mail receipts shall also include the e-mail address to which notice was delivered, but need not include the recipient's signature. An applicant may rely on another form of documentation only if FDA has agreed to such documentation in advance.

* * * * *

4. Section 314.95 is amended by revising the introductory text of paragraph (a) and paragraph (e) and adding paragraph (c)(8) to read as follows:

§ 314.95 Notice of certification of invalidity or noninfringement of a patent.

(a) *Notice of certification*. For each patent that claims the listed drug or that claims a use for such listed drug for which the applicant is seeking approval and that the applicant certifies under § 314.94(a)(12) is invalid, unenforceable, or will not be infringed, the applicant shall give notice of such certification by mail or personal delivery to and shall obtain verification of receipt from each of the following persons:* * *

* * * * *

(c) * * *

(8) The envelope, where applicable, and cover sheet of the notice shall be clearly labeled in 14 point or larger, bold, all capitals type with the words ''PATENT CERTIFICATION.'' E-mail notices shall state ''PATENT CERTIFICATION'' as the subject line and as the first line of text of the e-mail message.

* * * * *

(e) *Documentation of receipt of notice*. The applicant shall amend its abbreviated application to document receipt of the notice required under paragraph (a) of this section by each person provided the notice. The applicant shall include a copy of the return receipt or other similar evidence of the date the notification was received. FDA will accept as adequate documentation of the date of receipt a return receipt from registered or certified mail, a letter acknowledging receipt by the person provided the notice, or a verification of receipt that contains the date notice was delivered, the address to which notice was delivered, and the signature of the recipient. Electronic signatures and electronic records shall comply with the provisions of 21 CFR part 11. Facsimile receipts shall also include the telephone number to which notice was faxed, but need not include the recipient's signature. Electronic mail receipts shall also include the e-mail address to which notice was delivered, but need not include the recipient's signature. An applicant may rely on another form of documentation only if FDA has agreed to such documentation in advance.

* * * * *

Dated: February 26, 1998.

William B. Schultz,

Deputy Commissioner for Policy.

[FR Doc. 98–5800 Filed 3–5–98; 8:45 am]

BILLING CODE 4160–01–F

DEPARTMENT OF THE TREASURY

Internal Revenue Service

26 CFR Part 1

[REG–208299–90]

RIN 1545–AP01

Allocation and Sourcing of Income and Deductions Among Taxpayers Engaged in a Global Dealing Operation

AGENCY: Internal Revenue Service (IRS), Treasury.

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

SUMMARY: This document contains proposed rules for the allocation among controlled taxpayers and sourcing of income, deductions, gains and losses from a global dealing operation; rules applying these allocation and sourcing rules to foreign currency transactions and to foreign corporations engaged in a U.S. trade or business; and rules concerning the mark-to-market treatment resulting from hedging activities of a global dealing operation. These proposed rules affect foreign and domestic persons that are participants in such operations either directly or indirectly through subsidiaries or partnerships. These proposed rules are necessary to enable participants in a global dealing operation to determine their arm's length contribution to a global dealing operation. This document also provides notice of a public hearing on these proposed regulations.

DATES: Written comments must be received by June 4, 1998. Outlines of oral comments to be discussed at the public hearing scheduled for July 9, 1998, must be received by June 18, 1998.

ADDRESSES: Send submissions to: CC:DOM:CORP:R (REG–208299–90), room 5226, Internal Revenue Service, POB 7604, Ben Franklin Station, Washington, DC 20044. Submissions may be hand delivered between the hours of 8 a.m. and 5 p.m. to: CC:DOM:CORP:R (REG–208299–90), Courier's Desk, Internal Revenue Service, 1111 Constitution Avenue, N.W., Washington, D.C. Alternatively, taxpayers may submit comments electronically via the Internet by selecting the ''Tax Regs'' option on the IRS Home Page, or by submitting comments directly to the IRS Internet site at http://www.irs.ustreas.gov/prod/tax__regs/comments.html. The public hearing will be held in room 2615, Internal Revenue Building, 1111 Constitution Avenue, NW, Washington, DC.

FOR FURTHER INFORMATION CONTACT: Concerning the regulations in general, Ginny Chung of the Office of Associate Chief Counsel (International), (202) 622–3870; concerning the mark-to-market treatment of global dealing operations, Richard Hoge or JoLynn Ricks of the Office of Assistant Chief Counsel (Financial Institutions & Products), (202) 622–3920; concerning submissions and the hearing, Michael Slaughter, (202) 622–7190 (not toll-free numbers).

SUPPLEMENTARY INFORMATION:

Paperwork Reduction Act

The collections of information contained in this notice of proposed rulemaking have been submitted to the Office of Management and Budget for review in accordance with the Paperwork Reduction Act of 1995 (44 U.S.C. 3507(d)). Comments on the collections of information should be sent to the Office of Management and Budget, Attn: Desk Officer for the Department of the Treasury, Office of Information and Regulatory Affairs, Washington, DC 20503, with copies to the Internal Revenue Service, Attn: IRS Reports Clearance officer, T:FS:FP, Washington, DC 20224. Comments on the collections of information should be received by May 5, 1998.

Comments are specifically requested concerning: Whether the proposed collections of information are necessary for the proper performance of the functions of the Internal Revenue Service, including whether the information will have practical utility;

The accuracy of the estimated burden associated with the proposed collections of information (see below);

How the quality, utility, and clarity of the information to be collected may be enhanced;

How the burden of complying with the proposed collections of information may be minimized, including through the application of automated collection techniques or other forms of information technology; and

Estimates of capital or start-up costs and costs of operation, maintenance, and purchase of services to provide information.

The collections of information in these proposed regulations are in §§ 1.475(g)–2(b), 1.482–8(b)(3), 1.482–8(c)(3), 1.482–8(d)(3), 1.482–8(e)(5), 1.482–8(e)(6), and 1.863–3(h). The information is required to determine an arm's length price. The collections of information are mandatory. The likely recordkeepers are business or other for-profit institutions.

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 control number assigned by the Office of Management and Budget.

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.

Estimated total annual recordkeeping burden: 20,000 hours. Estimated average annual burden per recordkeeper is 40 hours. Estimated number of recordkeepers: 500.

Background

In 1990, the IRS issued Announcement 90–106, 1990–38 IRB 29, requesting comments on how the regulations under sections 482, 864 and other sections of the Internal Revenue Code could be improved to address the taxation issues raised by global trading of financial instruments. Section 482 concerns the allocation of income, deductions, credits and allowances among related parties. Section 864 provides rules for determining the income of a foreign person that is ''effectively connected'' with the conduct of a U.S. trade or business and therefore can be taxed on a net income basis in the United States. Provisions under sections 864(c)(2) and (3) provide rules for determining when U.S. source income is effectively connected income (ECI); section 864(c)(4) provides rules for determining when foreign source income is ECI.

The rules for determining the source of income generally are in sections 861, 862, 863 and 865, and the regulations promulgated under those sections. Section 1.863–7 provides a special rule for income from notional principal contracts, under which such income will be treated as U.S.-source ECI if it arises from the conduct of a U.S. trade or business under principles similar to those that apply under section 864(c)(2). An identical rule applies for determining U.S. source ECI under § 1.988–4(c) from foreign exchange gain or loss from certain transactions denominated in a foreign currency.

Because no regulations were issued in response to the comments that were received after Announcement 90–106, there remain a number of uncertainties regarding the manner in which the existing regulations described above apply to financial institutions that deal in financial instruments through one or more entities or trading locations. Many financial institutions have sought to resolve these problems by negotiating advance pricing agreements (APAs) with the IRS. In 1994, the IRS published Notice 94–40, 1994–1 CB 351, which provided a generic description of the IRS's experience with global dealing operations conducted in a functionally fully integrated manner. Notice 94–40 specified that it was not intended to prescribe rules for future APAs or for taxpayers that did not enter into APAs. Moreover, Notice 94–40 provided no guidance of any kind for financial institutions that do not conduct their global dealing operations in a functionally fully integrated manner.

Explanation of Provisions

1. Introduction

This document contains proposed regulations relating to the determination of an arm's length allocation of income among participants engaged in a global dealing operation. For purposes of these regulations, the terms ''global dealing operation'' and ''participant'' are specifically defined. The purpose of these regulations is to provide guidance on applying the arm's length principle to transactions between participants in a global dealing operation. The general rules in the final regulations under section 482 that provide the best method rule, comparability analysis, and the arm's length range are generally adopted with some modifications to conform these principles to the global dealing environment. In addition, the proposed regulations contain new specified methods with respect to global dealing operations that replace the specified methods in §§ 1.482–3 through 1.482–6.

This document also contains proposed regulations addressing the source of income earned in a global dealing operation and the circumstances under which such income is effectively connected to a foreign corporation's U.S. trade or business. The regulations proposed under section 863 generally source income earned in a global dealing operation by reference to the residence of the participant. For these purposes, residence is defined under section 988(a)(3)(B) such that global dealing income may be sourced between separate qualified business units (QBUs) of a single taxpayer or among separate taxpayers who are participants, as the case may be. Exceptions to this general rule are discussed in further detail below.

Proposed amendments to the regulations under section 864 provide that the principles of the proposed section 482 regulations may be applied to determine the amount of income, gain or loss from a foreign corporation's global dealing operation that is effectively connected to a U.S. trade or business of a participant. Similar rules apply to foreign currency transactions that are part of a global dealing operation.

The combination of these allocation, sourcing, and effectively connected income rules is intended to enable taxpayers to establish and recognize on an arm's length basis the contributions provided by separate QBUs to a global dealing operation.

This document also contains proposed regulations under section 475 to coordinate the accounting rules governing the timing of income with the allocation, sourcing, and effectively connected income rules proposed in this document and discussed above.

2. Explanation of Specific Provisions

A. Section 1.482–1(a)(1)

Section 1.482–1(a)(1) has been amended to include expressly transactions undertaken in the course of a global dealing operation between controlled taxpayers within the scope of transactions covered by section 482. The purpose of this amendment is to clarify that the principles of section 482 apply to evaluate whether global dealing transactions entered into between controlled taxpayers are at arm's length.

B. Section 1.482–8(a)—General Requirements

Section 1.482–8(a)(1) lists specified methods that may be used to determine if global dealing transactions entered into between controlled taxpayers are at arm's length. The enumerated methods must be applied in accordance with all of the provisions of § 1.482–1, including the best method rule of § 1.482–1(c), the comparability analysis of § 1.482–1(d), and the arm's length range rule of § 1.482–1(e). The section further requires that any modifications or supplemental considerations applicable to a global dealing operation set forth in § 1.482–8(a)(3) be taken into account when applying any of the transfer pricing methods. Specific modifications to the factors for determining

comparability and the arm's length range rule are provided in § 1.482–8(a)(3). These modifications and special considerations are discussed in more detail under their respective headings below.

C. Section 1.482–8(a)(2)—Definitions Applicable to a Global Dealing Operation

Section 1.482–8(a)(2) defines ''global dealing operation,'' ''participant,'' ''regular dealer in securities,'' and other terms that apply for purposes of these regulations. These definitions supplement the general definitions provided in § 1.482–1(i).

The rules of § 1.482–8 apply only to a global dealing operation. A ''global dealing operation'' consists of the execution of customer transactions (including marketing, sales, pricing and risk management activities) in a particular financial product or line of financial products, in multiple tax jurisdictions and/or through multiple participants. The taking of proprietary positions is not included within the definition of a global dealing operation unless the proprietary positions are entered into by a regular dealer in securities in connection with its activities as such a dealer. Thus, a hedge fund that does not have customers is not covered by these regulations. Positions held in inventory by a regular dealer in securities, however, are covered by these regulations even if the positions are unhedged because the dealer is taking a view as to future market changes.

Similarly, lending activities are not included within the definition of a global dealing operation. However, if a person makes a market in, by buying and selling, asset-backed securities, the income from that activity may be covered by these regulations, regardless of whether the dealer was a party to the loans backing the securities. Therefore, income earned from such lending activities or from securities held for investment is not income from a global dealing operation and is not governed by this section. A security may be held for investment for purposes of this section even though it is not identified as held for investment under section 475.

Activities unrelated to the conduct of a global dealing operation are not covered by these regulations, even if they are accounted for on a mark-to-market basis. Accordingly, income from proprietary trading that is not undertaken in connection with a global dealing operation, and other financial transactions that are not entered into in a dealing capacity are not covered by these proposed regulations. The regulations require that participants engaged in dealing and nondealing activities and/or multiple dealing activities segregate income and expense attributable to each separate dealing operation so that the best method may be used to evaluate whether controlled transactions entered into in connection with a particular dealing activity are priced at arm's length. The regulations also require that taxpayers segregate their dealer activities from their lending, proprietary trading or other investment activities not entered into in connection with a global dealing operation. Comments are solicited on whether the proposed regulations issued under section 475 in this notice of proposed rulemaking are sufficient to facilitate identification of the amount of income that should be subject to allocation under the global dealing regulations.

The term *participant* is defined as a controlled taxpayer that is either a regular dealer in securities within the meaning of § 1.482–8(a)(2)(iii), or a member of a group of controlled taxpayers which includes a regular dealer in securities, so long as that member conducts one or more activities related to the activities of such dealer. For these purposes, such related activities are the marketing, sales, pricing, and risk management activities necessary to the definition of a global dealing operation. Additionally, brokering is a related activity that may give rise to participant status. Related activities do not include credit analysis, accounting services, back office services, or the provision of a guarantee of one or more transactions entered into by a regular dealer in securities or other participant. This definition is significant because the transfer pricing methods contained in this section can only be used by participants, and only to evaluate whether compensation attributable to a regular dealer in securities or a marketing, sales, pricing, risk management or brokering function is at arm's length. Whether the compensation paid for other functions performed in the course of a global dealing operation (including certain services and development of intangibles) is at arm's length is determined under the appropriate section 482 regulations applicable to those transactions.

The definition of a global dealing operation does not require that the global dealing operation be conducted around the world or on a twenty-four hour basis. These regulations will apply if the controlled taxpayers, or QBUs of a single taxpayer, operate in the aggregate in more than one tax jurisdiction. It is not necessary, however, for the participants to conduct the global dealing operation in more than one tax jurisdiction. For example, a participant that is resident in one tax jurisdiction may conduct its participant activities in the global dealing operation through a trade or business in another jurisdiction that is the same jurisdiction where the dealer activity of a separate controlled taxpayer takes place. In this situation, the rules of this section apply to determine the allocation of income, gain or loss between the two controlled taxpayers even if all of the income, gain or loss is allocable within the same tax jurisdiction.

The term *regular dealer in securities* is specifically defined in this regulation consistently with the definition of a regular dealer under § 1.954–2(a)(4)(iv). Under these proposed regulations, a dealer in physical securities or currencies is a regular dealer in securities if it regularly and actively offers to, and in fact does, purchase securities or currencies from and sell securities or currencies to customers who are not controlled taxpayers in the ordinary course of a trade or business. In addition, a dealer in derivatives is a regular dealer in securities if it regularly and actively offers to, and in fact does, enter into, assume, offset, assign or otherwise terminate positions in securities with customers who are not controlled entities in the ordinary course of a trade or business. The IRS solicits comments on whether these regulations should be extended to cover dealers in commodities and/or persons trading for their own account that are not dealers.

D. Best Method and Comparability

Consistent with the general principles of section 482, the best method rule applies to evaluate the most appropriate method for determining whether the controlled transactions are priced at arm's length. New specified methods which replace the specified methods of §§ 1.482–2 through 1.482–6 for a global dealing operation are set forth in §§ 1.482–8(b) through 1.482–8(f). The comparable profits method of § 1.482–5 has been excluded as a specified method for a global dealing operation because of the high variability in profits from company to company and year to year due to differences in business strategies and fluctuations in the financial markets.

The proposed regulations do not apply specific methods to certain trading models, such as those commonly referred to in the financial services industry as ''separate enterprise,'' ''natural home,''

''centralized product management,'' or ''integrated trading.'' Rather, the proposed regulations adopt the best method rule of § 1.482–1(c) to determine the most appropriate transfer pricing methodology, taking into account all of the facts and circumstances of a particular taxpayer's trading structure. Consistent with the best method rule, there is no priority of methods.

Application of the best method rule will depend on the structure and organization of the individual taxpayer's global dealing operation and the nature of the transaction at issue. Where a taxpayer is engaged in more than one global dealing operation, it will be necessary to segregate each activity and determine on a transaction-by-transaction basis within each activity which method provides the most reliable measure of an arm's length price. It may be appropriate to apply the same method to multiple transactions of the same type within a single business activity entered into as part of a global dealing operation. For example, if a taxpayer operates its global dealing activity in notional principal contracts differently than its foreign exchange trading activity, then the income from notional principal contracts may be allocated using a different methodology than the income from foreign exchange trading. Moreover, the best method rule may require that different methods be used to determine whether different controlled transactions are priced at arm's length even within the same product line. For example, one method may be the most appropriate to determine if a controlled transaction between a global dealing operation and another business activity is at arm's length, while a different method may be the most appropriate to determine if the allocation of income and expenses among participants in a global dealing operation is at arm's length.

Section 1.482–8(a)(3) reiterates that the principle of comparability in § 1.482–1(d) applies to transactions entered into by a global dealing operation. The comparability factors provided in § 1.482–8(a)(3) (functional analysis, risk, and economic conditions), however, must be applied in place of the comparability factors discussed in § 1.482–1(d)(3). The comparability factors for contractual terms in § 1.482–8(a)(3) supplement the comparability factors for contractual terms in § 1.482–1(d)(3)(ii). The comparability factors in this section have been included to provide guidance on the factors that may be most relevant in assessing comparability in the context of a global dealing operation.

E. Arm's Length Range

In determining the arm's length range, § 1.482–1(e) will apply except as modified by these proposed regulations. In determining the reliability of an arm's length range, the IRS believes that it is necessary to consider the fact that the market for financial products is highly volatile and participants in a global dealing operation frequently earn only thin profit margins. The reliability of using a statistical range in establishing a comparable price of a financial product in a global dealing operation is based on facts and circumstances. In a global dealing operation, close proximity in time between a controlled transaction and an uncontrolled transaction may be a relevant factor in determining the reliability of the uncontrolled transaction as a measure of the arm's length price. The relevant time period will depend on the price volatility of the particular product.

The district director may, notwithstanding § 1.482–1(e)(1), adjust a taxpayer's results under a method applied on a transaction-by-transaction basis if a valid statistical analysis demonstrates that the taxpayer's controlled prices, when analyzed on an aggregate basis, provide results that are not arm's length. See § 1.482–1(f)(2)(iv). This may occur, for example, when there is a pattern of prices in controlled transactions that are higher or lower than the prices of comparable uncontrolled transactions.

Comments are solicited on the types of analyses and factors that may be relevant for pricing controlled financial transactions in a global dealing operation. Section 1.482–1(e) continues to apply in its entirety to transactions among participants that are common to businesses other than a global dealing operation. In this regard, the existing rules continue to apply to pricing of certain services from a participant to a regular dealer in securities other than services that give rise to participant status.

F. Comparable Uncontrolled Financial Transaction Method

The comparable uncontrolled financial transaction (CUFT) method is set forth in § 1.482–8(b). The CUFT method evaluates whether controlled transactions satisfy the arm's length standard by comparing the price of a controlled financial transaction with the price of a comparable uncontrolled financial transaction. Similarity in the contractual terms and risks assumed in entering into the financial transaction are the most important comparability factors under this method.

Ordinarily, in global dealing operations, proprietary pricing models are used to calculate a financial product's price based upon market data, such as interest rates, currency rates, and market risks. The regulations contemplate that indirect evidence of the price of a CUFT may be derived from a proprietary pricing model if the data used in the model is widely and routinely used in the ordinary course of the taxpayer's business to price uncontrolled transactions, and adjustments are made to the amount charged to reflect differences in the factors that affect the price to which uncontrolled taxpayers would agree. In addition, the proprietary pricing model must be used in the same manner to price transactions with controlled and uncontrolled parties. If a taxpayer uses its internal pricing model as evidence of a CUFT, it must, upon request, furnish the pricing model to the district director in order to substantiate its use.

G. Gross Margin Method

The gross margin method is set forth in § 1.482–8(c) and should be considered in situations where a taxpayer performs only a routine marketing or sales function as part of a global dealing operation. Frequently, taxpayers that perform the sales function in these circumstances participate in the dealing of a variety of, rather than solely identical, financial products. In such a case, the variety of financial products sold within a relevant time period may limit the availability of comparable uncontrolled financial transactions. Where the taxpayer has performed a similar function for a variety of products, however, the gross margin method can be used to determine if controlled transactions are priced at arm's length by reference to the amount earned by the taxpayer for performing similar functions with respect to uncontrolled transactions.

The gross margin method determines if the gross profit realized on sales of financial products acquired from controlled parties is at arm's length by comparing that profit to the gross profit earned on uncontrolled transactions. Since comparability under this method depends on the similarity of functions performed and risks assumed, adjustments must be made for differences between the functions performed in the disposition of financial products acquired in controlled transactions and the functions performed in the disposition of financial products acquired in uncontrolled transactions. Although close product similarity will tend to improve the

reliability of the gross margin method, the reliability of this method is not as dependent on product similarity as the CUFT method.

Participants in a global dealing operation may act simply as brokers, or they may participate in structuring complex products. As the role of the participant exceeds the brokerage function, it becomes more difficult to find comparable functions because the contributions made in structuring one complex financial product are not likely to be comparable to the contributions made in structuring a different complex financial product. Accordingly, the regulations provide that the reliability of this method is decreased where a participant is substantially involved in developing a financial product or in tailoring the product to the unique requirements of a customer prior to resale.

H. Gross Markup Method

Like the gross margin method, the gross markup method set forth in § 1.482–8(d) should generally be considered in situations where a taxpayer performs only a routine marketing or sales function as part of a global dealing operation, and, as is often the case, handles a variety of financial products within a relevant time period. The gross markup method is generally appropriate in cases where the taxpayer performs a routine sales function in buying a financial product from an uncontrolled party and reselling or transferring the product to a controlled party.

The gross markup method determines if the gross profit earned on the purchase of financial products from uncontrolled parties and sold to controlled taxpayers is at arm's length by comparing that profit to the gross profit earned on uncontrolled transactions. Like the gross margin method, comparability under this method depends on the similarity of the functions performed and risks assumed in the controlled and uncontrolled transactions. Accordingly, adjustments should be made for differences between the functions performed in the sale or transfer of financial products to controlled parties, and the functions performed with respect to the sale or transfer of financial products to uncontrolled parties. Although close product similarity will tend to improve the reliability of the gross markup method, the reliability of this method is not as dependent on product similarity as the CUFT method.

As in the gross margin method, the regulations provide that the reliability of this method generally is decreased where a participant is substantially involved in developing a financial product or in tailoring the product to the unique requirements of a customer prior to resale.

I. Profit Split Methods

New profit split methods are proposed for global dealing participants under § 1.482–8(e). Global dealing by its nature involves a certain degree of integration among the participants in the global dealing operation. The structure of some global dealing operations may make it difficult to apply a traditional transactional method to determine if income is allocated among participants on an arm's length basis. Two profit split methods, the total profit split method and the residual profit split method, have been included as specified methods for determining if global dealing income is allocated at arm's length.

Profit split methods may be used to evaluate if the allocation of operating profit from a global dealing operation compensates the participants at arm's length for their contribution by evaluating if the allocation is one which uncontrolled parties would agree to. Accordingly, the reliability of this method is dependent upon clear identification of the respective contributions of each participant to the global dealing operation.

In general, the profit split methods must be based on objective market benchmarks that provide a high degree of reliability, i.e., comparable arrangements between unrelated parties that allocate profits in the same manner and on the same basis. Even if such comparable uncontrolled transactions are not available, however, the taxpayer may be able to demonstrate that a total profit split provides arm's length results that reflect the economic value of the contribution of each participant, by reference to other objective factors that provide reliability due to their arm's length nature. For example, an allocation of income based on trader bonuses may be reliable, under the particular facts and circumstances of a given case, if the taxpayer can demonstrate that such bonuses are based on the value added by the individual traders. By contrast, an allocation based on headcount or gross expenses may be unreliable, because the respective participants might, for example, have large differences in efficiency or cost control practices, which would tend to make such factors poor reflections of the economic value of the functions contributed by each participant.

The proposed regulations define gross profit as gross income earned by the global dealing operation. Operating expenses are those not applicable to the determination of gross income earned by the global dealing operation. The operating expenses are global expenses of the global dealing operation and are subtracted from gross profit to determine the operating profit. Taxpayers may need to allocate operating expenses that relate to more than one global dealing activity.

The regulations state that in appropriate circumstances a multi-factor formula may be used to determine whether an allocation is at arm's length. Use of a multi-factor formula is permitted so long as the formula allocates the operating profit or loss based upon the factors that uncontrolled taxpayers would consider. The regulations do not prescribe specific factors to be used in the formula since the appropriateness of any one factor will depend on all the facts and circumstances associated with the global dealing operation. However, the regulations require that the multi-factor formula take into account all of the functions performed and risks assumed by a participant, and attribute the appropriate amount of income or loss to each function. The IRS also solicits comments concerning which factors may be appropriate (for example, initial net present value of derivatives contracts) and the circumstances under which specific factors may be appropriately applied.

The purpose of the factors is to measure the relative value contributed by each participant. Thus, adjustments must be made for any circumstances other than the relative value contributed by a participant that influence the amount of a factor so that the factor does not allocate income to a participant based on circumstances that are not relevant to the value of the function or activity being measured. For example, if trader compensation is used to allocate income among participants, and the traders in two different jurisdictions would be paid different amounts (for example, due to cost of living differences) to contribute the same value, adjustments should be made for the difference so that the factors accurately measure the value contributed by the trading function. The IRS solicits comments regarding the types of adjustments that should be made, how to make such adjustments, and the need for further guidance on this point.

The total profit split method entails a one step process whereby the operating profit is allocated among the

participants based on their relative contributions to the profitability of the global dealing operation. No distinction is made between routine and nonroutine contributions. The total profit split method may be useful to allocate income earned by a highly integrated global dealing operation where all routine and nonroutine dealer functions are performed by each participant in each location. Accordingly, total profit or loss of the global dealing operation may be allocated among various jurisdictions based on the relative performance of equivalent functions in each jurisdiction.

The residual profit split method entails a two step process. In the first step, the routine functions are compensated with a market return based upon the best transfer pricing method applicable to that transaction. Routine functions may include, but are not limited to, functions that would not give rise to participant status and which should be evaluated under §§ 1.482–3 through 1.482–6. After compensating the routine functions, the remaining operating profit (the ''residual profit'') is allocated among the participants based upon their respective nonroutine contributions.

It should be noted that, while in appropriate cases a profit split method may be used to determine if a participant is compensated at arm's length, use of the profit split method does not change the contractual relationship between participants, nor does it affect the character of intercompany payments. For example, if a controlled taxpayer provides solely trading services to a global dealing operation in a particular jurisdiction, any payment it receives as compensation for services retains its character as payment for services and, under the regulations, is not converted into a pro rata share of each item of gross income earned by the global dealing operation.

J. Unspecified Methods

Consistent with the principles underlying the best method rule, the regulations provide the option to use an unspecified method if it is determined to be the best method. The IRS solicits comments on the extent to which the variety of methods on which specific guidance has been provided is adequate.

Guidance on the use of a comparable profits method has specifically not been included as a specified method in the proposed regulations because use of that method depends on the existence of arrangements between uncontrolled taxpayers that perform comparable functions and assume comparable risks. Global dealing frequently involves the use of unique intangibles such as trader know-how. Additionally, anticipated profit is often influenced by the amount of risk a participant is willing to bear. Accordingly, the IRS believes it is unlikely that the comparability of these important functions can be measured and adjusted for accurately in a global dealing operation.

K. Source of Global Dealing Income

Under current final regulations in § 1.863–7(a), all of the income attributable to a notional principal contract is sourced by reference to the taxpayer's residence. Exceptions are provided for effectively connected notional principal contract income, and for income earned by a foreign QBU of a U.S. resident taxpayer if the notional principal contract is properly reflected on the books of the foreign QBU. Attribution of all of the income from a notional principal contract to a single location has generally been referred to as the ''all or nothing'' rule. The current final regulations do not provide for multi-location sourcing of notional principal contract income among the QBUs that have participated in the acquisition or risk management of a notional principal contract and therefore do not recognize that significant activities, including structuring or risk managing derivatives, often occur through QBUs in more than one jurisdiction.

Recognizing the need for multi-location sourcing of income earned in a global dealing operation, the proposed regulations provide a new rule under § 1.863–3 which sources income from a global dealing operation in the same manner as the income would be allocated under § 1.482–8 if each QBU were a separate entity. However, the rules must be applied differently to take into account the economic differences between acting through a single legal entity and through separate legal entities.

Accordingly, income from a single transaction may be split-sourced to more than one location, so long as the allocation methodology satisfies the arm's length standard. The all or nothing rule of § 1.863–7(a) continues to apply to notional principal contract income attributable to activities not related to a global dealing operation. Corresponding changes have been made in proposed § 1.988–4(h) to exclude exchange gain or loss derived in the conduct of a global dealing operation from the general source rules in § 1.988–4 (b) and (c).

These special source rules apply only with respect to participants that perform a dealing, marketing, sales, pricing, risk management or brokering function. Moreover, these rules do not apply to income, such as fees for services, for which a specific source rule is provided in section 861, 862 or 865 of the Code. Accordingly, if a controlled taxpayer provides back office services, the amount and source of an intercompany payment for such services is determined under existing transfer pricing and sourcing rules applicable to those services without regard to whether the controlled taxpayer is also a participant in a global dealing operation.

If an entity directly bears the risk assumed by the global dealing operation, it should be compensated for that function. In providing, however, that the source (and effectively connected status) of global dealing income is determined by reference to where the dealing, marketing, sales, pricing, risk management or brokering function that gave rise to the income occurred, the regulations effectively provide that compensation for risk bearing should be sourced by reference to where the capital is employed by traders, marketers and salespeople, rather than the residence of the capital provider. This principle applies where a taxpayer directly bears risk arising from the conduct of a global dealing operation, such as when it acts as a counterparty without performing other global dealing functions. A special rule provides that the activities of a dependent agent may give rise to participant status through a deemed QBU that performs its participant functions in the same location where the dependent agent performs its participant functions. The deemed QBU may be created without regard to the books and records requirement of § 1.989–1(b).

As indicated, accounting, back office, credit analysis, and general supervision and policy control functions do not give rise to participant status in a global dealing operation but are services that should be remunerated and sourced separately under existing rules. This principle also applies where a taxpayer bears risk indirectly, such as through the extension of a guarantee. Accordingly, the sourcing rule of § 1.863–3(h) does not apply to interest, dividend, or guarantee fee income received by an owner or guarantor of a global dealing operation that is conducted by another controlled taxpayer. The source of interest, dividend and guarantee fee income, substitute interest and substitute dividend payments sourced under §§ 1.861–2(a)(7) and 1.861–3(a)(6), and other income sourced by section 861,

862 or 865 continues to be governed by the source rules applicable to those transactions.

The proposed regulations provide, consistent with U.S. tax principles, that an agreement between two QBUs of a single taxpayer does not give rise to a transaction because a taxpayer cannot enter into nor profit from a ''transaction'' with itself. See, e.g., § 1.446–3(c)(1). The IRS believes, however, that these agreements between QBUs of a single taxpayer may provide evidence of how income from the taxpayer's transactions with third parties should be allocated among QBUs. It is a common practice for taxpayers to allocate income or loss from transactions with third parties among QBUs for internal control and risk management purposes. Accordingly, the proposed regulations specifically provide that such allocations may be used to source income to the same extent and in the same manner as they may be used to allocate income between related persons. Conversely, such transactions may not be used to the extent they do not provide an arm's length result.

L. Determination of Global Dealing Income Effectively Connected With a U.S. Business

After determining the source of income, it is necessary to determine the extent to which such income is ECI. Under current law, the general rule is that all of the income, gain or loss from a global dealing operation is effectively connected with a U.S. trade or business if the U.S. trade or business materially participates in the acquisition of the asset that gives rise to the income, gain or loss, or property is held for use in the active conduct of a U.S. trade or business, or the business activities conducted by the U.S. trade or business are a material factor in the realization of income, gain or loss. As noted above, the current final regulations do not permit the attribution of income, gain or loss from a global dealing operation that is allocated and sourced to a U.S. trade or business under § 1.863–3(h) shall be effectively connected. In this regard, an asset used in a global dealing operation is treated as an asset used in a U.S. trade or business to the extent that an allocation is made to a U.S. QBU. Similarly, the U.S. trade or business is also treated as a material factor in the realization of income, gain or loss for which an allocation is made to a U.S. QBU. A special rule for U.S. source interest and dividend income, including substitute interest and substitute dividends, earned by a foreign banking or similar financial institution in a global dealing operation treats such income as attributable to a U.S. trade or business to the extent such income would be sourced to the United States under § 1.863–3(h). Any foreign source income allocated to the United States under the principles of § 1.863–3(h) is also treated as attributable to the U.S. trade or business.

The proposed regulations also limit an entity's effectively connected income from a global dealing operation to that portion of an item of income, gain or loss that would be sourced to the U.S. trade or business if the rules of § 1.863–3(h) were to apply. These rules are intended to ensure that income for which a specific source rule is provided in section 861, 862 or 865 does not produce effectively connected income unless it was earned through functions performed by a U.S. QBU of the taxpayer.

With respect to notional principal contract income and foreign exchange gain or loss, proposed §§ 1.863–3(h) and 1.988–4(h) also provide that such income, gain or loss is effectively connected with the conduct of a U.S. trade or business to the extent that it is sourced to the United States under § 1.863–3(h).

In certain circumstances, the global dealing activities of an entity acting as the agent of a foreign taxpayer in the United States may cause the foreign taxpayer to be engaged in a U.S. trade or business. Any income effectively connected with the U.S. trade or business must be reported by the foreign corporation on a timely filed U.S. tax return in order for the foreign corporation to be eligible for deductions and credits attributable to such income. See § 1.882–4. In addition, the agent must also report any income earned in its capacity as agent on its own tax return. The provisions governing the time and manner for foreign corporations to make elections under §§ 1.882–5 and 1.884–1 remain in force as promulgated. Under current rules, these formalities must be observed even if all of the global dealing income would be allocated between a U.S. corporation and a foreign corporation's U.S. trade or business. The IRS believes that these requirements are justified because of potential differences that might occur with respect to the realization of losses and between actual dividend remittances of a U.S. corporation and deemed dividend remittances under the branch profits tax. The IRS, however, solicits comments regarding whether these filing requirements can be simplified, taking into consideration the policies underlying the filing requirements of § 1.882–4.

The Business Profits article contained in U.S. income tax treaties requires the United States to attribute to a permanent establishment that portion of the income earned by the entity from transactions with third parties that the permanent establishment might be expected to earn if it were an independent enterprise. Because the proposed regulations contained in this document allocate global trading income among permanent establishments under the arm s length principle of the Associated Enterprises article of U.S. income tax treaties, such rules are consistent with our obligations under the Business Profits article. Accordingly, a proposed rule under section 894 provides that, if a taxpayer is engaged in a global dealing operation through a U.S. permanent establishment, the proposed regulations will apply to determine the income attributable to that U.S. permanent establishment under the applicable U.S. income tax treaty.

M. Relationship to Other Regulations

The allocation rules contained herein do not apply to the allocation of interest expense. As discussed in the preamble to § 1.882–5 (TD 8658, 1996–1 CB 161, 162, 61 FR 9326, March 5, 1996), the rules contained in § 1.882–5 are the exclusive rules for allocating interest expense, including under U.S. income tax treaties.

Proposed regulations have been issued under sections 882 and 884 (INTL–0054–95, 1996–1 CB 844, 61 FR 9377, March 5, 1996) for purposes of allocating interest expense and determining the U.S. assets and/or liabilities reflected on the books of a foreign corporation s U.S. trade or business that are attributable to its activities as a dealer under section 475. The proposed regulations (and similar final regulations) under section 884 address the treatment of assets which give rise to both effectively connected and non-effectively connected income. Those rules thus address a situation analogous to the split-sourcing situation addressed in these proposed regulations. The IRS anticipates issuing proposed regulations under section 861 that provide a similar rule for purposes of allocating interest expense of a U.S. corporation that has assets that give rise to split-sourced income. Comments are solicited on the compatibility of the proposed regulations contained in this document with the principles of the proposed regulations that address a foreign corporation s allocation of interest expense, including its computation of U.S. assets included in step 1 of the § 1.882–5 formula and

component liabilities included in steps 2 and 3 of the § 1.882–5 formula.

The IRS believes that the transfer pricing compliance issues associated with a global dealing operation are substantially similar to those raised by related party transactions generally. The IRS also believes that the existing regulations under section 6662 adequately address these issues. Accordingly, amendments have not been proposed to the regulations under section 6662. Section 6662 may not in certain circumstances, however, apply to the computation of effectively connected income in accordance with proposed regulations under section 475, 863, 864 or 988 contained in this document. The IRS will propose regulations under section 6038C regarding the information reporting and recordkeeping requirements applicable to foreign corporations engaged in a global dealing operation. It is anticipated that these regulations will coordinate the application of sections 6662 and 6038C where necessary.

No inference should be drawn from the examples in these proposed regulations concerning the treatment or significance of liquidity and creditworthiness or the effect of such items on the valuation of a security. The purpose of the proposed regulations under section 482 is not to provide guidance on the valuation of a security, but rather to determine whether the prices of controlled transactions satisfy the arm's length standard. Section 475 and the regulations thereunder continue to govern exclusively the valuation of securities.

N. Section 475

A dealer in securities as defined in section 475 is generally required to mark its securities to market. Securities are exempt from mark-to-market accounting if the securities are held for investment or not held for sale to customers and are properly identified on the taxpayer's books and records. Additionally, securities that hedge positions that are not subject to mark-to-market accounting are exempt from mark-to-market accounting if they are properly identified.

Under the current regulations, a taxpayer may not take into account an agreement between separate business units within the same entity that transfers risk management responsibility from a non-dealing business unit to a dealing business unit. Moreover, such an agreement may not be used to allocate income, expense, gain or loss between activities that are accounted for on a mark-to-market basis and activities that are accounted for on a non-mark-to-market basis. In contrast, the regulations proposed in this document under sections 482, 863, 864, 894, and 988 allow a taxpayer to take into account records of internal transfers when allocating global dealing income earned from third parties for purposes of determining source and effectively connected income. This may cause a mismatch in the timing of income, expense, gain, or loss.

For example, if a taxpayer s lending desk enters into a third-party transaction that exposes the lending desk to currency or interest rate risk, the lending desk may transfer responsibility for managing the risk for that particular transaction to another business activity that can manage the risk more efficiently (e.g., the desk that deals in currency or interest rate derivatives). The dealing desk then, in the ordinary course of its business, may enter into a transaction such as a swap with a third party to hedge the aggregate risk of the dealing desk and, indirectly, the risk incurred by the lending desk with respect to the original transaction. Where, as is generally the case, the dealing desk has a large volume of transactions, it is not possible as a practical matter to associate the aggregate hedge with the risk of the lending desk. Since the transactions entered into by the dealing desk must generally be marked to market, the third-party transaction that hedges the aggregate risk of the dealing desk (which includes the risk transferred from the lending desk) must generally also be marked. To the extent that a portion of the income, expense, gain, or loss from the aggregate hedging transaction is allocated to the lending desk under the proposed global dealing regulations, the potential timing mismatch described above will occur if the lending desk accounts for its positions on a non-mark-to-market basis. This mismatch could occur because the portion of the income, expense, gain, or loss from the hedging transaction, although allocated to the lending desk for sourcing and effectively connected income purposes, will be accounted for on a mark-to-market basis under the dealing desk's method of accounting. Entirely exempting the aggregate hedging transaction from mark-to-market accounting does not adequately solve this problem, because it results in the portion of the income, expense, gain or loss from the aggregate hedging transaction that is allocated to the dealing desk being accounted for on other than a mark-to-market method.

As the example shows, respecting records of internal transfers for purposes of sourcing without respecting these same records for purposes of timing could produce unpredictable and arbitrary results. Accordingly, the proposed regulations permit participants in a global dealing operation to respect records of internal transfers in applying the timing rules of section 475. Because the need to reconcile sourcing and timing exists only in the context of a cross-border operation, the proposed regulations have a limited scope. In particular, for the proposed regulations to apply, income of the global dealing desk must be subject to allocation among two or more jurisdictions or be sourced to two or more jurisdictions.

The purpose of the proposed regulations under section 475 is to coordinate section 475 with the proposed global dealing regulations and to facilitate identification of the amount of income, expense, gain or loss from third party transactions that is subject to mark-to-market accounting. This rule is not intended to allow a shifting of income inconsistent with the arm's length standard.

Under the proposed section 475 regulations, an interdesk agreement or ''risk transfer agreement'' (RTA) includes a transfer of responsibility for risk management between a business unit that is hedging some of its risk (the hedging QBU) and another business unit of the same taxpayer that uses mark-to-market accounting (the marking QBU). If the marking QBU, the hedging QBU, and the RTA satisfy certain requirements, the RTA is taken into account for purposes of determining the timing of income allocated by the proposed global dealing regulations to the separate business units of a taxpayer.

The proposed amendments to the section 475 regulations require that the marking QBU must be a dealer within the meaning of proposed § 1.482–8(a)(2)(iii) and that its income must be allocated to at least two jurisdictions under proposed § 1.482–8 or sourced to at least two jurisdictions under proposed § 1.863–3(h). Additionally, the RTA qualifies only if the marking QBU would mark its side of the RTA to market under section 475 if the transaction were with an unrelated third party. Thus, if the marking QBU were to identify the RTA as a hedge of a position that is not subject to mark-to-market accounting (such as debt issued by the marking QBU), the RTA would not qualify. The IRS requests comments on whether the marking QBU should ever be able to exempt its position in the RTA from mark-to-market treatment and account for its position in the RTA.

The proposed amendments to the section 475 regulations are intended to address situations where the hedging QBU transfers responsibility for the management of risk arising from a transaction with a third party. Accordingly, the proposed regulations require that the hedging QBU's position in the RTA would be a hedge within the meaning of § 1.1221–2(b) if the transaction were entered into with an unrelated entity. The IRS solicits comments on whether this requirement is broad enough to address the business needs of entities engaged in global dealing and nondealing activities. Comments suggesting that the requirement should be broadened (e.g., to include risk reduction with respect to capital assets) should address how such a regime could be coordinated with other relevant rules (e.g., the straddle rules). Additionally, if a taxpayer suggests changes to the section 475 rules proposed in this notice, the IRS requests additional comments addressing whether or not corresponding changes should be made to § 1.1221–2(d).

The proposed regulations also require that the RTA be recorded on the books and records of the QBU no later than the time the RTA is effective. RTAs that are not timely recorded do not qualify under the proposed regulations. Additionally, the RTA must be accounted for in a manner that is consistent with the QBU's usual accounting practices.

If all of the requirements of the proposed regulations are satisfied, then for purposes of determining the timing of income, expense, gain, or loss allocated to a QBU under the global dealing regulations, the marking QBU and the hedging QBU account for their respective positions in the RTA as if the position were entered into with an unrelated third party.

Special Analyses

It has been determined that this notice of proposed rulemaking is not a significant regulatory action as defined in Executive Order 12866. Therefore, a regulatory impact analysis is not required. It is hereby certified that these regulations do not have a significant economic impact on a substantial number of small entities. This certification is based upon the fact that these regulations affect entities who participate in cross-border global dealing of stocks and securities. These regulations affect the source of income and allocation of income, deductions, credits, and allowances among such entities. The primary participants who engage in cross-border global dealing activities are large regulated commercial banks and brokerage firms, and investment banks. Accordingly, the IRS does not believe that a substantial number of small entities engage in cross-border global dealing activities covered by these regulation. Therefore, a Regulatory Flexibility Analysis under the Regulatory Flexibility Act (5 U.S.C. Chapter 6) is not required. Pursuant to section 7805(f) of the Code, this notice of proposed rulemaking will be submitted to the Chief Counsel for Advocacy of the Small Business Administration for comment on their impact on small business.

Comments and Public Hearing

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

A public hearing has been scheduled for July 9, 1998, at 10 a.m. in room 2615, Internal Revenue Building, 1111 Constitution Avenue NW, Washington, DC. Because of access restrictions, visitors will not be admitted beyond the Internal Revenue Building lobby more than 15 minutes before the hearing starts.

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

Persons that wish to present oral comments at the hearing must submit written comments by June 4, 1998, and submit an outline of the topics to be discussed and the time to be devoted to each topic by June 18, 1998.

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

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

Proposed Effective Date

These regulations are proposed to be effective for taxable years beginning after the date final regulations are published in the **Federal Register**.

Drafting Information

The principal authors of these regulations are Ginny Chung of the Office of Associate Chief Counsel (International) and Richard Hoge of the Office of Assistant Chief Counsel (Financial Institutions & Products). However, other personnel from the IRS and Treasury Department participated in their development.

List of Subjects in 26 CFR Part 1

Income taxes, Reporting and recordkeeping requirements.

Proposed Amendments to the Regulations

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

PART 1—INCOME TAXES

Paragraph 1. The authority citation for part 1 is amended by adding entries in numerical order to read as follows:

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

Section 1.475(g)–2 also issued under 26 U.S.C. 475. * * *

Section 1.482–8 also issued under 26 U.S.C. 482. * * *

Section 1.863–3(h) also issued under 26 U.S.C. 863 and 26 U.S.C. 865(j). * * * *

Section 1.988–4(h) also issued under 26 U.S.C. 863 and 26 U.S.C. 988. * * *

Par. 2. Section 1.475(g)–2 is added as follows:

§ 1.475(g)–2 Risk transfer agreements in a global dealing operation.

(a) *In general.* This section provides computational rules to coordinate the application of section 475 and § 1.446–4 with rules for allocation and sourcing under the global dealing regulations. If the requirements in paragraph (c) of this section are met, a risk transfer agreement (RTA) (as defined in paragraph (b) of this section) is accounted for under the rules of paragraph (d) of this section.

(b) *Definition of risk transfer agreement.* For purposes of this section, a risk transfer agreement (RTA) is a transfer of risk between two qualified business units (QBUs) (as defined in § 1.989(a)–1(b)) of the same taxpayer such that—

(1) The transfer is consistent with the business practices and risk management policies of each QBU;

(2) The transfer is evidenced in each QBU's books and records;

(3) Each QBU records the RTA on its books and records at a time no later than the time the RTA is effective; and

(4) Except to the extent required by paragraph (b)(3) of this section, the entry in the books and records of each QBU is consistent with that QBU's normal accounting practices.

(c) *Requirements for application of operational rule*—(1) The position in the RTA of one QBU (the hedging QBU) would qualify as a hedging transaction (within the meaning of § 1.1221–2(b)) with respect to that QBU if—

(i) The RTA were a transaction entered into with an unrelated party; and

(ii) For purposes of determining whether the hedging QBU's position satisfies the risk reduction requirement in § 1.1221–2(b), the only risks taken into account are the risks of the hedging QBU (that is, the risks that would be taken into account if the hedging QBU were a separate corporation that had made a separate-entity election under § 1.1221–2(d)(2));

(2) The other QBU (the marking QBU) is a regular dealer in securities (within the meaning of § 1.482–8(a)(2)(iii));

(3) The marking QBU would mark to market its position in the RTA under section 475 if the RTA were a transaction entered into with an unrelated party; and

(4) Income of the marking QBU is subject to allocation under § 1.482–8 to two or more jurisdictions or is sourced under § 1.863–3(h) to two or more jurisdictions.

(d) *Operational rule.* If the requirements in paragraph (c) of this section are met, each QBU that is a party to a RTA (as defined in paragraph (b) of this section) takes its position in the RTA into account as if that QBU had entered into the RTA with an unrelated party. Thus, the marking QBU marks its position to market, and the hedging QBU accounts for its position under § 1.446–4. Because this section only effects coordination with the allocation and sourcing rules, it does not affect factors such as the determination of the amount of interest expense that is incurred by either QBU and that is subject to allocation and apportionment under section 864(e) or 882(c).

Par. 3. Section 1.482–0 is amended as follows:

1. The introductory text is revised.

2. The section heading and entries for § 1.482–8 are redesignated as the section heading and entries for § 1.482–9.

3. A new section heading and entries for § 1.482–8 are added.

The addition and revision read as follows:

§ 1.482–0 Outline of regulations under section 482.

This section contains major captions for §§ 1.482–1 through 1.482–9.

* * * * *

§ 1.482–8 Allocation of income earned in a global dealing operation.

(a) General requirements and definitions.
(1) In general.
(2) Definitions.
(i) Global dealing operation.
(ii) Participant.
(iii) Regular dealer in securities.
(iv) Security.
(3) Factors for determining comparability for a global dealing operation.
(i) Functional analysis.
(ii) Contractual terms.
(iii) Risk.
(iv) Economic conditions.
(4) Arm's length range.
(i) General rule.
(ii) Reliability.
(iii) Authority to make adjustments.
(5) Examples.
(b) Comparable uncontrolled financial transaction method.
(1) General rule.
(2) Comparability and reliability.
(i) In general.
(ii) Adjustments for differences between controlled and uncontrolled transactions.
(iii) Data and assumptions.
(3) Indirect evidence of the price of a comparable uncontrolled financial transaction.
(i) In general.
(ii) Public exchanges or quotation media.
(iii) Limitation on use of public exchanges or quotation media.
(4) Arm's length range.
(5) Examples.
(c) Gross margin method.
(1) General rule.
(2) Determination of an arm's length price.
(i) In general.
(ii) Applicable resale price.
(iii) Appropriate gross profit.
(3) Comparability.
(i) In general.
(ii) Adjustments for differences between controlled and uncontrolled transactions.
(iii) Reliability.
(iv) Data and assumptions.
(A) In general.
(B) Consistency in accounting.
(4) Arm's length range.
(5) Example.
(d) Gross markup method.
(1) General rule.
(2) Determination of an arm's length price.
(i) In general.
(ii) Appropriate gross profit.
(3) Comparability and reliability.
(i) In general.
(ii) Adjustments for differences between controlled and uncontrolled transactions.
(iii) Reliability.
(iv) Data and assumptions.
(A) In general.
(B) Consistency in accounting.
(4) Arm's length range.
(e) Profit split method.
(1) General rule.
(2) Appropriate share of profit and loss.
(i) In general.
(ii) Adjustment of factors to measure contribution clearly.
(3) Definitions.
(4) Application.
(5) Total profit split.
(i) In general.
(ii) Comparability.
(iii) Reliability.
(iv) Data and assumptions.
(A) In general.
(B) Consistency in accounting.
(6) Residual profit split.
(i) In general.
(ii) Allocate income to routine contributions.
(iii) Allocate residual profit.
(iv) Comparability.
(v) Reliability.
(vi) Data and assumptions.
(A) General rule.
(B) Consistency in accounting.
(7) Arm's length range.
(8) Examples.
(f) Unspecified methods.
(g) Source rule for qualified business units.

Par. 4. Section 1.482–1 is amended as follows:

1. In paragraph (a)(1), remove the last sentence and add two new sentences in its place.

2. Revise paragraph (b)(2)(i).

3. In paragraph (c)(1), revise the last sentence.

4. In paragraph (d)(3)(v), revise the last sentence.

5. In paragraph (i), revise the introductory text.

The additions and revisions read as follows:

§ 1.482–1 Allocation of income and deductions among taxpayers.

(a) *In general*—(1) *Purpose and scope.* * * * Section 1.482–8 elaborates on the rules that apply to controlled entities engaged in a global securities dealing operation. Finally, § 1.482–9 provides examples illustrating the application of the best method rule.

* * * * *

(b) * * *

(2) * * *

(i) *Methods.* Sections 1.482–2 through 1.482–6 and § 1.482–8 provide specific methods to be used to evaluate whether transactions between or among members of the controlled group satisfy the arm's length standard, and if they do not, to determine the arm's length result.

(c) *Best method rule*—(1) *In general.* * * * See § 1.482–9 for examples of the application of the best method rule.

* * * * *

(d) * * *

(3) * * *

(v) *Property or services.* * * * For guidance concerning the specific comparability considerations applicable to transfers of tangible and intangible property, see §§ 1.482–3 through 1.482–6 and § 1.482–8; see also § 1.482–3(f), dealing with the coordination of the intangible and tangible property rules.

* * * * *

(i) *Definitions.* The definitions set forth in paragraphs (i)(1) through (10) of this section apply to §§ 1.482–1 through 1.482–9.

* * * * *

Par. 5. Section 1.482–2 is amended as follows:

1. In paragraph (a)(3)(iv), revise the first sentence.

2. Revise paragraph (d).

The revisions read as follows:

§ 1.482–2 Determination of taxable income in specific situations.

(a) * * *

(3) * * *

(iv) Fourth, section 482 and paragraphs (b) through (d) of this section and §§ 1.482–3 through 1.482–8, if applicable, may be applied by the district director to make any appropriate allocations, other than an interest rate adjustment, to reflect an arm's length transaction based upon the principal amount of the loan or advance and the interest rate as adjusted under paragraph (a)(3)(i), (ii), or (iii) of this section. * * *

* * * * *

(d) *Transfer of property.* For rules governing allocations under section 482 to reflect an arm's length consideration for controlled transactions involving the transfer of property, see §§ 1.482–3 through 1.482–6 and § 1.482–8.

§ 1.482–8 [Redesignated as § 1.482–9]

Par. 6. Section 1.482–8 is redesignated as § 1.482–9 and a new § 1.482–8 is added to read as follows:

§ 1.482–8 Allocation of income earned in a global securities dealing operation.

(a) *General requirements and definitions*—(1) *In general.* Where two or more controlled taxpayers are participants in a global dealing operation, the allocation of income, gains, losses, deductions, credits and allowances (referred to herein as income and deductions) from the global dealing operation is determined under this section. The arm's length allocation of income and deductions related to a global dealing operation must be determined under one of the methods listed in paragraphs (b) through (f) of this section. Each of the methods must be applied in accordance with all of the provisions of § 1.482–1, including the best method rule of § 1.482–1(c), the comparability analysis of § 1.482–1(d), and the arm's length range of § 1.482–1(e), as those sections are supplemented or modified in paragraphs (a)(3) and (a)(4) of this section. The available methods are—

(i) The comparable uncontrolled financial transaction method, described in paragraph (b) of this section;

(ii) The gross margin method, described in paragraph (c) of this section;

(iii) The gross markup method, described in paragraph (d) of this section;

(iv) The profit split method, described in paragraph (e) of this section; and

(v) Unspecified methods, described in paragraph (f) of this section.

(2) *Definitions*—(i) *Global dealing operation.* A global dealing operation consists of the execution of customer transactions, including marketing, sales, pricing and risk management activities, in a particular financial product or line of financial products, in multiple tax jurisdictions and/or through multiple participants, as defined in paragraph (a)(2)(ii) of this section. The taking of proprietary positions is not included within the definition of a global dealing operation unless the proprietary positions are entered into by a regular dealer in securities in its capacity as such a dealer under paragraph (a)(2)(iii) of this section. Lending activities are not included within the definition of a global dealing operation. Therefore, income earned from such lending activities or from securities held for investment is not income from a global dealing operation and is not governed by this section. A global dealing operation may consist of several different business activities engaged in by participants. Whether a separate business activity is a global dealing operation shall be determined with respect to each type of financial product entered on the taxpayer's books and records.

(ii) *Participant*—(A) A participant is a controlled taxpayer, as defined in § 1.482–1(i)(5), that is—

(*1*) A regular dealer in securities as defined in paragraph (a)(2)(iii) of this section; or

(*2*) A member of a group of controlled taxpayers which includes a regular dealer in securities, but only if that member conducts one or more activities related to the activities of such dealer.

(B) For purposes of paragraph (a)(2)(ii)(A)(*2*) of this section, such related activities are marketing, sales, pricing, risk management or brokering activities. Such related activities do not include credit analysis, accounting services, back office services, general supervision and control over the policies of the controlled taxpayer, or the provision of a guarantee of one or more transactions entered into by a regular dealer in securities or other participant.

(iii) *Regular dealer in securities.* For purposes of this section, a regular dealer in securities is a taxpayer that—

(A) Regularly and actively offers to, and in fact does, purchase securities from and sell securities to customers who are not controlled taxpayers in the ordinary course of a trade or business; or

(B) Regularly and actively offers to, and in fact does, enter into, assume, offset, assign or otherwise terminate positions in securities with customers who are not controlled entities in the ordinary course of a trade or business.

(iv) *Security.* For purposes of this section, a security is a security as defined in section 475(c)(2) or foreign currency.

(3) *Factors for determining comparability for a global dealing operation.* The comparability factors set out in this paragraph (a)(3) must be applied in place of the comparability factors described in § 1.482–1(d)(3) for purposes of evaluating a global dealing operation.

(i) *Functional analysis.* In lieu of the list set forth in § 1.482–1(d)(3)(i)(A) through (H), functions that may need to be accounted for in determining the comparability of two transactions are—

(A) Product research and development;

(B) Marketing;

(C) Pricing;

(D) Brokering; and

(E) Risk management.

(ii) *Contractual terms.* In addition to the terms set forth in § 1.482–1(d)(3)(ii)(A), and subject to § 1.482–1(d)(3)(ii)(B), significant contractual terms for financial products transactions include—

(A) Sales or purchase volume;

(B) Rights to modify or transfer the contract;

(C) Contingencies to which the contract is subject or that are embedded in the contract;

(D) Length of the contract;

(E) Settlement date;

(F) Place of settlement (or delivery);

(G) Notional principal amount;

(H) Specified indices;

(I) The currency or currencies in which the contract is denominated;

(J) Choice of law and jurisdiction governing the contract to the extent chosen by the parties; and

(K) Dispute resolution, including binding arbitration.

(iii) *Risk.* In lieu of the list set forth in § 1.482–1(d)(3), significant risks that could affect the prices or profitability include—

(A) Market risks, including the volatility of the price of the underlying property;

(B) Liquidity risks, including the fact that the property (or the hedges of the property) trades in a thinly traded market;

(C) Hedging risks;

(D) Creditworthiness of the counterparty; and

(E) Country and transfer risk.

(iv) *Economic conditions.* In lieu of the list set forth in § 1.482–1(d)(3)(iv)(A) through (H), significant economic conditions that could affect the prices or profitability include

(A) The similarity of geographic markets;

(B) The relative size and sophistication of the markets;

(C) The alternatives reasonably available to the buyer and seller;

(D) The volatility of the market; and

(E) The time the particular transaction is entered into.

(4) *Arm's length range*—(i) *General rule*. Except as modified in this paragraph (a)(4), § 1.482–1(e) will apply to determine the arm's length range of transactions entered into by a global dealing operation as defined in paragraph (a)(2)(i) of this section. In determining the arm's length range, whether the participant is a buyer or seller is a relevant factor.

(ii) *Reliability*. In determining the reliability of an arm's length range, it is necessary to consider the fact that the market for financial products is highly volatile and participants in a global dealing operation frequently earn only thin profit margins. The reliability of using a statistical range in establishing a comparable price of a financial product in a global dealing operation is based on facts and circumstances. In a global dealing operation, close proximity in time between a controlled transaction and an uncontrolled transaction may be a relevant factor in determining the reliability of the uncontrolled transaction as a measure of the arm's length price. The relevant time period will depend on the price volatility of the particular product.

(iii) *Authority to make adjustments*. The district director may, notwithstanding § 1.482–1(e)(1), adjust a taxpayer's results under a method applied on a transaction by transaction basis if a valid statistical analysis demonstrates that the taxpayer's controlled prices, when analyzed on an aggregate basis, provide results that are not arm's length. See § 1.482–1(f)(2)(iv). This may occur, for example, when there is a pattern of prices in controlled transactions that are higher or lower than the prices of comparable uncontrolled transactions.

(5) *Examples*. The following examples illustrate the principles of this paragraph (a).

Example 1. Identification of participants. (i) B is a foreign bank that acts as a market maker in foreign currency in country X, the country of which it is a resident. C, a country Y resident corporation, D, a country Z resident corporation, and USFX, a U.S. resident corporation are all members of a controlled group of taxpayers with B, and each acts as a market maker in foreign currency. In addition to market-making activities conducted in their respective countries, C, D, and USFX each employ marketers and traders, who also perform risk management with respect to their foreign currency operations. In a typical business day, B, C, D, and USFX each enter into several hundred spot and forward contracts to purchase and sell Deutsche marks (DM) with unrelated third parties on the interbank market. In the ordinary course of business, B, C, D, and USFX also enter into contracts to purchase and sell DM with each other.

(ii) Under § 1.482–8(a)(2)(iii), B, C, D, and USFX are each regular dealers in securities because they each regularly and actively offer to, and in fact do, purchase and sell currencies to customers who are not controlled taxpayers, in the ordinary course of their trade or business. Consequently, each controlled taxpayer is also a participant. Together, B, C, D, and USFX conduct a global dealing operation within the meaning of § 1.482–8(a)(2)(i) because they execute customer transactions in multiple tax jurisdictions. Accordingly, the controlled transactions between B, C, D, and USFX are evaluated under the rules of § 1.482–8.

Example 2. Identification of participants. (i) The facts are the same as in Example 1, except that USFX is the only member of the group of controlled taxpayers that buys from and sells foreign currency to customers. C performs marketing and pricing activities with respect to the controlled group's foreign currency operation. D performs accounting and back office services for B, C, and USFX, but does not perform any marketing, sales, pricing, risk management or brokering activities with respect to the controlled group's foreign currency operation. B provides guarantees for all transactions entered into by USFX.

(ii) Under § 1.482–8(a)(2)(iii), USFX is a regular dealer in securities and therefore is a participant. C also is a participant because it performs activities related to USFX's foreign currency dealing activities. USFX's and C's controlled transactions relating to their DM activities are evaluated under § 1.482–8. D is not a participant in a global dealing operation because its accounting and back office services are not related activities within the meaning of § 1.482–8(a)(2)(ii)(B). B also is not a participant in a global dealing operation because its guarantee function is not a related activity within the meaning of § 1.482–8(a)(2)(ii)(B). Accordingly, the determination of whether transactions between B and D and other members of the controlled group are at arm's length is not determined under § 1.482–8.

Example 3. Scope of a global dealing operation. (i) C, a U.S. resident commercial bank, conducts a banking business in the United States and in countries X and Y through foreign branches. C regularly and actively offers to, and in fact does, purchase from and sell foreign currency to customers who are not controlled taxpayers in the ordinary course of its trade or business in the United States and countries X and Y. In all the same jurisdictions, C also regularly and actively offers to, and in fact does, enter into, assume, offset, assign, or otherwise terminate positions in interest rate and cross-currency swaps with customers who are not controlled taxpayers. In addition, C regularly makes loans to customers through its U.S. and foreign branches. C regularly sells these loans to a financial institution that repackages the loans into securities.

(ii) C is a regular dealer in securities within the meaning of § 1.482–8(a)(2)(ii) because it purchases and sells foreign currency and enters into interest rate and cross-currency swaps with customers. Because C conducts these activities through U.S. and foreign branches, these activities constitute a global dealing operation within the meaning of § 1.482–8(a)(2)(i). The income, expense, gain or loss from C's global dealing operation is sourced under §§ 1.863–3(h) and 1.988–4(h). Under § 1.482–8(a)(2)(i), C's lending activities are not, however, part of a global dealing operation.

Example 4. Dissimilar products. The facts are the same as in Example 1, but B, C, D, and USFX also act as a market maker in Malaysian ringgit-U.S. dollar cross-currency options in the United States and countries X, Y, and Z. The ringgit is not widely traded throughout the world and is considered a thinly traded currency. The functional analysis required by § 1.482–8(a)(3)(i) shows that the development, marketing, pricing, and risk management of ringgit-U.S. dollar cross-currency option contracts are different than that of other foreign currency contracts, including option contracts. Moreover, the contractual terms, risks, and economic conditions of ringgit-U.S. dollar cross-currency option contracts differ considerably from that of other foreign currency contracts, including option contracts. See § 1.482–8(a)(3)(ii) through (iv). Accordingly, the ringgit-U.S. dollar cross-currency option contracts are not comparable to contracts in other foreign currencies.

Example 5. Relevant time period. (i) USFX is a U.S. resident corporation that is a regular dealer in securities acting as a market maker in foreign currency by buying from and selling currencies to customers. C performs marketing and pricing activities with respect to USFX's foreign currency operation. Trading in Deutsche marks (DM) is conducted between 10:00 a.m. and 10:30 a.m. and between 10:45 a.m. and 11:00 a.m. under the following circumstances.

10:00 a.m.	1.827DM: $1	Uncontrolled Transaction.
10:04 a.m.	1.827DM: $1	Controlled Transaction.
10:06 a.m.	1.826DM: $1	Uncontrolled Transaction.
10:08 a.m.	1.825DM: $1	Uncontrolled Transaction.
10:10 a.m.	1.827DM: $1	Controlled Transaction.
10:12 a.m.	1.824DM: $1	Uncontrolled Transaction.
10:15 a.m.	1.825DM: $1	Uncontrolled Transaction.

10:18 a.m.	1.826DM: $1	Controlled Transaction.
10:20 a.m.	1.824DM: $1	Uncontrolled Transaction.
10:23 a.m.	1.825DM: $1	Uncontrolled Transaction.
10:25 a.m.	1.825DM: $1	Uncontrolled Transaction.
10:27 a.m.	1.827DM: $1	Controlled Transaction.
10:30 a.m.	1.824DM: $1	Uncontrolled Transaction.
10:45 a.m.	1.822DM: $1	Uncontrolled Transaction.
10:50 a.m.	1.821DM: $1	Uncontrolled Transaction.
10:55 a.m.	1.822DM: $1	Uncontrolled Transaction.
11:00 a.m.	1.819DM: $1	Uncontrolled Transaction.

(ii) USFX and C are participants in a global dealing operation under § 1.482–8(a)(2)(i). Therefore, USFX determines its arm's length price for its controlled DM contracts under § 1.482–8(a)(4). Under § 1.482–8(a)(4), the relevant arm's length range for setting the prices of USFX's controlled DM transactions occurs between 10:00 a.m. and 10:30 a.m. Because USFX has no controlled transactions between 10:45 a.m. and 11:00 a.m., and the price movement during this later time period continued to decrease, the 10:45 a.m. to 11:00 a.m. time period is not part of the relevant arm's length range for pricing USFX's controlled transactions.

(b) *Comparable uncontrolled financial transaction method*—

(1) *General rule.* The comparable uncontrolled financial transaction (CUFT) method evaluates whether the amount charged in a controlled financial transaction is arm's length by reference to the amount charged in a comparable uncontrolled financial transaction.

(2) *Comparability and reliability*—(i) *In general.* The provisions of § 1.482–1(d), as modified by paragraph (a)(3) of this section, apply in determining whether a controlled financial transaction is comparable to a particular uncontrolled financial transaction. All of the relevant factors in paragraph (a)(3) of this section must be considered in determining the comparability of the two financial transactions. Comparability under this method depends on close similarity with respect to these factors, or adjustments to account for any differences. Accordingly, unless the controlled taxpayer can demonstrate that the relevant aspects of the controlled and uncontrolled financial transactions are comparable, the reliability of the results as a measure of an arm's length price is substantially reduced.

(ii) *Adjustments for differences between controlled and uncontrolled transactions.* If there are differences between controlled and uncontrolled transactions that would affect price, adjustments should be made to the price of the uncontrolled transaction according to the comparability provisions of § 1.482–1(d)(2) and paragraph (a)(3) of this section.

(iii) *Data and assumptions.* The reliability of the results derived from the CUFT method is affected by the completeness and accuracy of the data used and the reliability of the assumptions made to apply the method. See § 1.482–1(c)(2)(ii). In the case of a global dealing operation in which the CUFT is set through the use of indirect evidence, participants generally must establish data from a public exchange or quotation media contemporaneously to the time of the transaction, retain records of such data, and upon request furnish to the district director any pricing model used to establish indirect evidence of a CUFT, in order for this method to be a reliable means of evaluating the arm's length nature of the controlled transactions.

(3) *Indirect evidence of the price of a comparable uncontrolled financial transaction*—(i) *In general.* The price of a CUFT may be derived from data from public exchanges or quotation media if the following requirements are met—

(A) The data is widely and routinely used in the ordinary course of business in the industry to negotiate prices for uncontrolled sales;

(B) The data derived from public exchanges or quotation media is used to set prices in the controlled transaction in the same way it is used for uncontrolled transactions of the taxpayer, or the same way it is used by uncontrolled taxpayers; and

(C) The amount charged in the controlled transaction is adjusted to reflect differences in quantity, contractual terms, counterparties, and other factors that affect the price to which uncontrolled taxpayers would agree.

(ii) *Public exchanges or quotation media.* For purposes of paragraph (b)(3)(i) of this section, an established financial market, as defined in § 1.1092(d)–1(b), qualifies as a public exchange or a quotation media.

(iii) *Limitation on use of data from public exchanges or quotation media.* Use of data from public exchanges or quotation media is not appropriate under extraordinary market conditions. For example, under circumstances where the trading or transfer of a particular country's currency has been suspended or blocked by another country, causing significant instability in the prices of foreign currency contracts in the suspended or blocked currency, the prices listed on a quotation medium may not reflect a reliable measure of an arm's length result.

(4) *Arm's length range.* See § 1.482–1(e)(2) and paragraph (a)(4) of this section for the determination of an arm's length range.

(5) *Examples.* The following examples illustrate the principles of this paragraph (b).

Example 1. Comparable uncontrolled financial transactions. (i) B is a foreign bank resident in country X that acts as a market maker in foreign currency in country X. C, a country Y resident corporation, D, a country Z resident corporation, and USFX, a U.S. resident corporation are all members of a controlled group of taxpayers with B, and each acts as a market maker in foreign currency. In addition to market marking activities conducted in their respective countries, C, D, and USFX each employ marketers and traders, who also perform risk management with respect to their foreign currency operations. In a typical business day, B, C, D, and USFX each enter into several hundred spot and forward contracts to purchase and sell Deutsche marks (DM) with unrelated third parties on the interbank market. In the ordinary course of business, B, C, D, and USFX also each enter into contracts to purchase and sell DM with each other. On a typical day, no more than 10% of USFX's DM trades are with controlled taxpayers. USFX's DM-denominated spot and forward contracts do not vary in their terms, except as to the volume of DM purchased or sold. The differences in volume of DM purchased and sold by USFX do not affect the pricing of the DM. USFX maintains contemporaneous records of its trades, accounted for by type of trade and counterparty. The daily volume of USFX's DM-denominated spot and forward contracts consistently provides USFX with third party transactions that are contemporaneous with the transactions between controlled taxpayers.

(ii) Under § 1.482–8(a)(2)(iii), B, C, D, and USFX each are regular dealers in securities because they each regularly and actively offer to, and in fact do, purchase and sell currencies to customers who are not controlled taxpayers, in the ordinary course of their trade or business. Consequently, each controlled taxpayer is also a participant. Together, B, C, D, and USFX conduct a global dealing operation within the meaning of § 1.482–8(a)(2)(i) because they execute

customer transactions in multiple tax jurisdictions. To determine the comparability of USFX's controlled and uncontrolled DM-denominated spot and forward transactions, the factors in § 1.482–8(a)(3) must be considered. USFX performs the same functions with respect to controlled and uncontrolled DM-denominated spot and forward transactions. See § 1.482–8(a)(3)(i). In evaluating the contractual terms under § 1.482–8(a)(3)(ii), it is determined that the volume of DM transactions varies, but these variances do not affect the pricing of USFX's uncontrolled DM transactions. Taking into account the risk factors of § 1.482–8(a)(3)(iii), USFX's risk associated with both the controlled and uncontrolled DM transactions does not vary in any material respect. In applying the significant factors for evaluating the economic conditions under § 1.482–8(a)(3)(iv), USFX has sufficient third party DM transactions to establish comparable economic conditions for evaluating an arm's length price. Accordingly, USFX's uncontrolled transactions are comparable to its controlled transactions in DM spot and forward contracts.

Example 2. Lack of comparable uncontrolled financial transactions. The facts are the same as in Example 1, except that USFX trades Italian lira (lira) instead of DM. USFX enters into few uncontrolled and controlled lira-denominated forward contracts each day. The daily volume of USFX's lira forward purchases and sales does not provide USFX with sufficient third party transactions to establish that uncontrolled transactions are sufficiently contemporaneous with controlled transactions to be comparable within the meaning of § 1.482–8(a)(3). In applying the comparability factors of § 1.482–8(a)(3), and of paragraph (a)(3)(iv) of this section in particular, USFX's controlled and uncontrolled lira forward purchases and sales are not entered into under comparable economic conditions. Accordingly, USFX's uncontrolled transactions in lira forward contracts are not comparable to its controlled lira forward transactions.

Example 3. Indirect evidence of the price of a comparable uncontrolled financial transaction. (i) The facts are the same as in Example 2, except that USFX uses a computer quotation system (CQS) that is an interdealer market, as described in § 1.1092(d)–1(b)(2), to set its price on lira forward contracts with controlled and uncontrolled taxpayers. Other financial institutions also use CQS to set their prices on lira forward contracts. CQS is an established financial market within the meaning of § 1.1092(d)–1(b).

(ii) Because CQS is an established financial market, it is a public exchange or quotation media within the meaning of § 1.482–8(b)(3)(i). Because other financial institutions use prices from CQS in the same manner as USFX, prices derived from CQS are deemed to be widely and routinely used in the ordinary course of business in the industry to negotiate prices for uncontrolled sales. See § 1.482–8(b)(3)(i)(A) and (B). If USFX adjusts the price quoted by CQS under the criteria specified in § 1.482–8(b)(2)(ii)(A)(3), the controlled price derived by USFX from CQS qualifies as indirect evidence of the price of a comparable uncontrolled financial transaction.

Example 4. Indirect evidence of the price of a comparable uncontrolled financial transaction—internal pricing models. (i) T is a U.S. resident corporation that acts as a market maker in U.S. dollar-denominated notional principal contracts. T's marketers and traders work together to sell notional principal contracts (NPCs), primarily to T's North and South American customers. T typically earns 4 basis points at the inception of each standard 3 year U.S. dollar-denominated interest rate swap that is entered into with an unrelated, financially sophisticated, creditworthy counterparty. TS, T's wholly owned U.K. subsidiary, also acts as a market maker in U.S. dollar-denominated NPCs, employing several traders and marketers who initiate contracts primarily with European customers. On occasion, for various business reasons, TS enters into a U.S. dollar-denominated NPC with T. The U.S. dollar-denominated NPCs that T enters into with unrelated parties are comparable in all material respects to the transactions that T enters into with TS. TS prices all transactions with T using the same pricing models that TS uses to price transactions with third parties. The pricing models analyze relevant data, such as interest rates and volatilities, derived from public exchanges. TS records the data that were used to determine the price of each transaction at the time the transaction was entered into. Because the price produced by the pricing models is a mid-market price, TS adjusts the price so that it receives the same 4 basis point spread on its transaction with T that it would earn on comparable transactions with comparable counterparties during the same relevant time period.

(ii) Under § 1.482–8(a)(2), T and TS are participants in a global dealing operation that deals in U.S. dollar-denominated NPCs. Because the prices produced by TS's pricing model are derived from information on public exchanges and TS uses the same pricing model to set prices for controlled and uncontrolled transactions, the requirements of § 1.482–8(b)(3)(i)(A) and (B) are met. Because the U.S. dollar-denominated NPCs that T enters into with customers (uncontrolled transactions) are comparable to the transactions between T and TS within the meaning of § 1.482–8(a)(3) and TS earns 4 basis points at inception of its uncontrolled transactions that are comparable to its controlled transactions, TS has also satisfied the requirements of § 1.482–8(b)(3)(i)(C). Accordingly, the price produced by TS's pricing model constitutes indirect evidence of the price of a comparable uncontrolled financial transaction.

(c) *Gross margin method*—(1) *General rule.* The gross margin method evaluates whether the amount allocated to a participant in a global dealing operation is arm's length by reference to the gross profit margin realized on the sale of financial products in comparable uncontrolled transactions. The gross margin method may be used to establish an arm's length price for a transaction where a participant resells a financial product to an unrelated party that the participant purchased from a related party. The gross margin method may apply to transactions involving the purchase and resale of debt and equity instruments. The method may also be used to evaluate whether a participant has received an arm's length commission for its activities in a global dealing operation when the participant has not taken title to a security or has not become a party to a derivative financial product. To meet the arm's length standard, the gross profit margin on controlled transactions should be similar to that of comparable uncontrolled transactions.

(2) *Determination of an arm's length price*—(i) *In general.* The gross margin method measures an arm's length price by subtracting the appropriate gross profit from the applicable resale price for the financial product involved in the controlled transaction under review.

(ii) *Applicable resale price.* The applicable resale price is equal to either the price at which the financial product involved is sold in an uncontrolled sale or the price at which contemporaneous resales of the same product are made. If the product purchased in the controlled sale is resold to one or more related parties in a series of controlled sales before being resold in an uncontrolled sale, the applicable resale price is the price at which the product is resold to an uncontrolled party, or the price at which contemporaneous resales of the same product are made. In such case, the determination of the appropriate gross profit will take into account the functions of all members of the controlled group participating in the series of controlled sales and final uncontrolled resales, as well as any other relevant factors described in paragraph (a)(3) of this section.

(iii) *Appropriate gross profit.* The appropriate gross profit is computed by multiplying the applicable resale price by the gross profit margin, expressed as a percentage of total revenue derived from sales, earned in comparable uncontrolled transactions.

(3) *Comparability and reliability*—(i) *In general.* The provisions of § 1.482–1(d), as modified by paragraph (a)(3) of this section, apply in determining whether a controlled transaction is comparable to a particular uncontrolled transaction. All of the factors described in paragraph (a)(3) of this section must be considered in determining the comparability of two financial products transactions, including the functions performed. The gross margin method considers whether a participant has earned a sufficient gross profit margin

on the resale of a financial product (or line of products) given the functions performed by the participant. A reseller's gross profit margin provides compensation for performing resale functions related to the product or products under review, including an operating profit in return for the reseller's investment of capital and the assumption of risks. Accordingly, where a participant does not take title, or does not become a party to a financial product, the reseller's return to capital and assumption of risk are additional factors that must be considered in determining an appropriate gross profit margin. An appropriate gross profit margin primarily should be derived from comparable uncontrolled purchases and resales of the reseller involved in the controlled sale. This is because similar characteristics are more likely to be found among different resales of a financial product or products made by the same reseller than among sales made by other resellers. In the absence of comparable uncontrolled transactions involving the same reseller, an appropriate gross profit margin may be derived from comparable uncontrolled transactions of other resellers.

(ii) *Adjustments for differences between controlled and uncontrolled transactions.* If there are material differences between controlled and uncontrolled transactions that would affect the gross profit margin, adjustments should be made to the gross profit margin earned in the uncontrolled transaction according to the comparability provisions of § 1.482–1(d)(2) and paragraph (a)(3) of this section. For this purpose, consideration of operating expenses associated with functions performed and risks assumed may be necessary because differences in functions performed are often reflected in operating expenses. The effect of a difference in functions performed on gross profit, however, is not necessarily equal to the difference in the amount of related operating expenses.

(iii) *Reliability.* In order for the gross margin method to be considered a reliable measure of an arm's length price, the gross profit should ordinarily represent an amount that would allow the participant who resells the product to recover its expenses (whether directly related to selling the product or more generally related to maintaining its operations) and to earn a profit commensurate with the functions it performed. The gross margin method may be a reliable means of establishing an arm's length price where there is a purchase and resale of a financial product and the participant who resells the property does not substantially participate in developing a product or in tailoring the product to the unique requirements of a customer prior to the resale.

(iv) *Data and assumptions*—(A) *In general.* The reliability of the results derived from the gross margin method is affected by the completeness and accuracy of the data used and the reliability of the assumptions made to apply the method. See § 1.482–1(c)(2)(ii). A participant may establish the gross margin by comparing the bid and offer prices on a public exchange or quotation media. In such case, the prices must be contemporaneous to the controlled transaction, and the participant must retain records of such data.

(B) *Consistency in accounting.* The degree of consistency in accounting practices between the controlled transaction and the uncontrolled transactions may affect the reliability of the gross margin method. For example, differences as between controlled and uncontrolled transactions in the method used to value similar financial products (including methods of accounting, methods of estimation, and the timing for changes of such methods) could affect the gross profit. The ability to make reliable adjustments for such differences could affect the reliability of the results.

(4) *Arm's length range.* See § 1.482–1(e)(2) and paragraph (a)(4) of this section for the determination of an arm's length range.

(5) *Example.* The following example illustrates the principles of this paragraph (c).

Example 1. Gross margin method. (i) T is a U.S. resident financial institution that acts as a market maker in debt and equity instruments issued by U.S. corporations. Most of T's sales are to U.S.-based customers. TS, T's U.K. subsidiary, acts as a market maker in debt and equity instruments issued by European corporations and conducts most of its business with European-based customers. On occasion, however, a customer of TS wishes to purchase a security that is either held by or more readily accessible to T. To facilitate this transaction, T sells the security it owns or acquires to TS, who then promptly sells it to the customer. T and TS generally derive the majority of their profit on the difference between the price at which they purchase and the price at which they sell securities (the bid/offer spread). On average, TS's gross profit margin on its purchases and sales of securities from unrelated persons is 2%. Applying the comparability factors specified in § 1.482–8(a)(3), T's purchases and sales with unrelated persons are comparable to the purchases and sales between T and TS.

(ii) Under § 1.482–8(a)(2), T and TS are participants in a global dealing operation that deals in debt and equity securities. Since T's related purchases and sales are comparable to its unrelated purchases and sales, if TS's gross profit margin on purchases and sales of comparable securities from unrelated persons is 2%, TS should also typically earn a 2% gross profit on the securities it purchases from T. Thus, when TS resells for $100 a security that it purchased from T, the arm's length price at which TS would have purchased the security from T would normally be $98 ($100 sales price minus (2% gross profit margin × $100)).

(d) *Gross markup method*—(1) *General rule.* The gross markup method evaluates whether the amount allocated to a participant in a global dealing operation is arm's length by reference to the gross profit markup realized in comparable uncontrolled transactions. The gross markup method may be used to establish an arm's length price for a transaction where a participant purchases a financial product from an unrelated party that the participant sells to a related party. This method may apply to transactions involving the purchase and resale of debt and equity instruments. The method may also be used to evaluate whether a participant has received an arm's length commission for its role in a global dealing operation when the participant has not taken title to a security or has not become a party to a derivative financial product. To meet the arm's length standard, the gross profit markup on controlled transactions should be similar to that of comparable uncontrolled transactions.

(2) *Determination of an arm's length price*—(i) *In general.* The gross markup method measures an arm's length price by adding the appropriate gross profit to the participant's cost or anticipated cost, of purchasing, holding, or structuring the financial product involved in the controlled transaction under review (or in the case of a derivative financial product, the initial net present value, measured by the anticipated cost of purchasing, holding, or structuring the product).

(ii) *Appropriate gross profit.* The appropriate gross profit is computed by multiplying the participant's cost or anticipated cost of purchasing, holding, or structuring a transaction by the gross profit markup, expressed as a percentage of cost, earned in comparable uncontrolled transactions.

(3) *Comparability and reliability*—(i) *In general.* The provisions of § 1.482–1(d), as modified by paragraph (a)(3) of this section, apply in determining whether a controlled transaction is comparable to a particular uncontrolled transaction. All of the factors described in paragraph (a)(3) of this section must be considered in determining the

comparability of two financial products transactions, including the functions performed. The gross markup method considers whether a participant has earned a sufficient gross markup on the sale of a financial product, or line of products, given the functions it has performed. A participant's gross profit markup provides compensation for purchasing, hedging, and transactional structuring functions related to the transaction under review, including an operating profit in return for the investment of capital and the assumption of risks. Accordingly, where a participant does not take title, or does not become a party to a financial product, the reseller's return to capital and assumption of risk are additional factors that must be considered in determining the gross profit markup. An appropriate gross profit markup primarily should be derived from comparable uncontrolled purchases and sales of the participant involved in the controlled sale. This is because similar characteristics are more likely to be found among different sales of property made by the same participant than among sales made by other resellers. In the absence of comparable uncontrolled transactions involving the same participant, an appropriate gross profit markup may be derived from comparable uncontrolled transactions of other parties whether or not such parties are members of the same controlled group.

(ii) *Adjustments for differences between controlled and uncontrolled transactions.* If there are material differences between controlled and uncontrolled transactions that would affect the gross profit markup, adjustments should be made to the gross profit markup earned in the uncontrolled transaction according to the comparability provisions of § 1.482–1(d)(2) and paragraph (a)(3) of this section. For this purpose, consideration of operating expenses associated with the functions performed and risks assumed may be necessary, because differences in functions performed are often reflected in operating expenses. The effect of a difference in functions on gross profit, however, is not necessarily equal to the difference in the amount of related operating expenses.

(iii) *Reliability.* In order for the gross markup method to be considered a reliable measure of an arm's length price, the gross profit should ordinarily represent an amount that would allow the participant who purchases the product to recover its expenses (whether directly related to selling the product or more generally related to maintaining its operations) and to earn a profit commensurate with the functions it performed. As with the gross margin method, the gross markup method may be a reliable means of establishing an arm's length price where there is a purchase and resale of a financial product and the participant who resells the property does not substantially participate in developing a product or in tailoring the product to the unique requirements of a customer prior to the resale.

(iv) *Data and assumptions*—(A) *In general.* The reliability of the results derived from the gross markup method is affected by the completeness and accuracy of the data used and the reliability of the assumptions made to apply the method. See § 1.482–1(c)(2)(ii). A participant may establish the gross markup by comparing the bid and offer prices on a public exchange or quotation media. In such case, the prices must be contemporaneous with the controlled transaction, and the participant must retain records of such data.

(B) *Consistency in accounting.* The degree of consistency in accounting practices between the controlled transaction and the uncontrolled transactions may affect the reliability of the gross markup method. For example, differences as between controlled and uncontrolled transactions in the method used to value similar financial products (including methods in accounting, methods of estimation, and the timing for changes of such methods) could affect the gross profit. The ability to make reliable adjustments for such differences could affect the reliability of the results.

(4) *Arm's length range.* See § 1.482–1(e)(2) and paragraph (a)(4) of this section for the determination of an arm's length range.

(e) *Profit split method*—(1) *General rule.* The profit split method evaluates whether the allocation of the combined operating profit or loss of a global dealing operation to one or more participants is at arm's length by reference to the relative value of each participant's contribution to that combined operating profit or loss. The combined operating profit or loss must be derived from the most narrowly identifiable business activity of the participants for which data is available that includes the controlled transactions (relevant business activity).

(2) *Appropriate share of profit and loss*—(i) *In general.* The relative value of each participant's contribution to the global dealing activity must be determined in a manner that reflects the functions performed, risks assumed, and resources employed by each participant in the activity, consistent with the comparability provisions of § 1.482–1(d), as modified by paragraph (a)(3) of this section. Such an allocation is intended to correspond to the division of profit or loss that would result from an arrangement between uncontrolled taxpayers, each performing functions similar to those of the various controlled taxpayers engaged in the relevant business activity. The relative value of the contributions of each participant in the global dealing operation should be measured in a manner that most reliably reflects each contribution made to the global dealing operation and each participant' s role in that contribution. In appropriate cases, the participants may find that a multi-factor formula most reliably measures the relative value of the contributions to the profitability of the global dealing operation. The profit allocated to any particular participant using a profit split method is not necessarily limited to the total operating profit from the global dealing operation. For example, in a given year, one participant may earn a profit while another participant incurs a loss, so long as the arrangement is comparable to an arrangement to which two uncontrolled parties would agree. In addition, it may not be assumed that the combined operating profit or loss from the relevant business activity should be shared equally or in any other arbitrary proportion. The specific method must be determined under paragraph (e)(4) of this section.

(ii) *Adjustment of factors to measure contribution clearly.* In order to reliably measure the value of a participant's contribution, the factors, for example, those used in a multi-factor formula, must be expressed in units of measure that reliably quantify the relative contribution of the participant. If the data or information is influenced by factors other than the value of the contribution, adjustments must be made for such differences so that the factors used in the formula only measure the relative value of each participant's contribution. For example, if trader compensation is used as a factor to measure the value added by the participant's trading expertise, adjustments must be made for variances in compensation paid to traders due solely to differences in the cost of living.

(3) *Definitions.* The definitions in this paragraph (e)(3) apply for purposes of applying the profit split methods in this paragraph (e).

Gross profit is gross income earned by the global dealing operation.

Operating expenses includes all expenses not included in the computation of gross profit, except for

interest, foreign income taxes as defined in § 1.901–2(a), domestic income taxes, and any expenses not related to the global dealing activity that is evaluated under the profit split method. With respect to interest expense, see section 864(e) and the regulations thereunder and § 1.882–5.

Operating profit or loss is gross profit less operating expenses, and includes all income, expense, gain, loss, credits or allowances attributable to each global dealing activity that is evaluated under the profit split method. It does not include income, expense, gain, loss, credits or allowances from activities that are not evaluated under the profit split method, nor does it include extraordinary gains or losses that do not relate to the continuing global dealing activities of the participant.

(4) *Application.* Profit or loss shall be allocated under the profit split method using either the total profit split, described in paragraph (e)(5) of this section, or the residual profit split, described in paragraph (e)(6) of this section.

(5) *Total profit split*—(i) *In general.* The total profit split derives the percentage of the combined operating profit of the participants in a global dealing operation allocable to a participant in the global dealing operation by evaluating whether uncontrolled taxpayers who perform similar functions, assume similar risks, and employ similar resources would allocate their combined operating profits in the same manner.

(ii) *Comparability.* The total profit split evaluates the manner by which comparable uncontrolled taxpayers divide the combined operating profit of a particular global dealing activity. The degree of comparability between the controlled and uncontrolled taxpayers is determined by applying the comparability standards of § 1.482–1(d), as modified by paragraph (a)(3) of this section. In particular, the functional analysis required by § 1.482–1(d)(3)(i) and paragraph (a)(3)(i) of this section is essential to determine whether two situations are comparable. Nevertheless, in certain cases, no comparable ventures between uncontrolled taxpayers may exist. In this situation, it is necessary to analyze the remaining factors set forth in paragraph (a)(3) of this section that could affect the division of operating profits between parties. If there are differences between the controlled and uncontrolled taxpayers that would materially affect the division of operating profit, adjustments must be made according to the provisions of § 1.482–1(d)(2) and paragraph (a)(3) of this section.

(iii) *Reliability.* As indicated in § 1.482–1(c)(2)(i), as the degree of comparability between the controlled and uncontrolled transactions increases, the reliability of a total profit split also increases. In a global dealing operation, however, the absence of external market benchmarks (for example, joint ventures between uncontrolled taxpayers) on which to base the allocation of operating profits does not preclude use of this method if the allocation of the operating profit takes into account the relative contribution of each participant. The reliability of this method is increased to the extent that the allocation has economic significance for purposes other than tax (for example, satisfying regulatory standards and reporting, or determining bonuses paid to management or traders). The reliability of the analysis under this method may also be enhanced by the fact that all parties to the controlled transaction are evaluated under this method. The reliability of the results, however, of an analysis based on information from all parties to a transaction is affected by the reliability of the data and assumptions pertaining to each party to the controlled transaction. Thus, if the data and assumptions are significantly more reliable with respect to one of the parties than with respect to the others, a different method, focusing solely on the results of that party, may yield more reliable results.

(iv) *Data and assumptions*—(A) *In general.* The reliability of the results derived from the total profit split method is affected by the quality of the data used and the assumptions used to apply the method. See § 1.482–1(c)(2)(ii). The reliability of the allocation of income, expense, or other attributes between the participants' relevant business activities and the participants' other activities will affect the reliability of the determination of the combined operating profit and its allocation among the participants. If it is not possible to allocate income, expense, or other attributes directly based on factual relationships, a reasonable allocation formula may be used. To the extent direct allocations are not made, the reliability of the results derived from application of this method is reduced relative to the results of a method that requires fewer allocations of income, expense, and other attributes. Similarly, the reliability of the results derived from application of this method is affected by the extent to which it is possible to apply the method to the participants' financial data that is related solely to the controlled transactions. For example, if the relevant business activity is entering into interest rate swaps with both controlled and uncontrolled taxpayers, it may not be possible to apply the method solely to financial data related to the controlled transactions. In such case, the reliability of the results derived from application of this method will be reduced.

(B) *Consistency in accounting.* The degree of consistency between the controlled and uncontrolled taxpayers in accounting practices that materially affect the items that determine the amount and allocation of operating profit affects the reliability of the result. Thus, for example, if differences in financial product valuation or in cost allocation practices would materially affect operating profit, the ability to make reliable adjustments for such differences would affect the reliability of the results.

(6) *Residual profit split*—(i) *In general.* The residual profit split allocates the combined operating profit or loss between participants following the two-step process set forth in paragraphs (e)(6)(ii) and (iii) of this section.

(ii) *Allocate income to routine contributions.* The first step allocates operating income to each participant to provide an arm's length return for its routine contributions to the global dealing operation. Routine contributions are contributions of the same or similar kind as those made by uncontrolled taxpayers involved in similar business activities for which it is possible to identify market returns. Routine contributions ordinarily include contributions of tangible property, services, and intangibles that are generally owned or performed by uncontrolled taxpayers engaged in similar activities. For example, transactions processing and credit analysis are typically routine contributions. In addition, a participant that guarantees obligations of or otherwise provides credit support to another controlled taxpayer in a global dealing operation is regarded as making a routine contribution. A functional analysis is required to identify the routine contributions according to the functions performed, risks assumed, and resources employed by each of the participants. Market returns for the routine contributions should be determined by reference to the returns achieved by uncontrolled taxpayers engaged in similar activities, consistent with the methods described in §§ 1.482–2 through 1.482–4 and this § 1.482–8.

(iii) *Allocate residual profit.* The allocation of income to the participant's routine contributions will not reflect

profits attributable to each participant's valuable nonroutine contributions to the global dealing operation. Thus, in cases where valuable nonroutine contributions are present, there normally will be an unallocated residual profit after the allocation of income described in paragraph (e)(6)(ii) of this section. Under this second step, the residual profit generally should be divided among the participants based upon the relative value of each of their nonroutine contributions. Nonroutine contributions are contributions so integral to the global dealing operation that it is impossible to segregate them from the operation and find a separate market return for the contribution. Pricing and risk managing financial products almost invariably involve nonroutine contributions. Similarly, product development and information technology are generally nonroutine contributions. Marketing may be a nonroutine contribution if the marketer substantially participates in developing a product or in tailoring the product to the unique requirements of a customer. The relative value of the nonroutine contributions of each participant in the global dealing operation should be measured in a manner that most reliably reflects each nonroutine contribution made to the global dealing operation and each participant's role in the nonroutine contributions.

(iv) *Comparability.* The first step of the residual profit split relies on external market benchmarks of profitability. Thus, the comparability considerations that are relevant for the first step of the residual profit split are those that are relevant for the methods that are used to determine market returns for routine contributions. In the second step of the residual profit split, however, it may not be possible to rely as heavily on external market benchmarks. Nevertheless, in order to divide the residual profits of a global dealing operation in accordance with each participant's nonroutine contributions, it is necessary to apply the comparability standards of § 1.482–1(d), as modified by paragraph (a)(3) of this section. In particular, the functional analysis required by § 1.482–1(d)(3)(i) and paragraph (a)(3)(i) of this section is essential to determine whether two situations are comparable. Nevertheless, in certain cases, no comparable ventures between uncontrolled taxpayers may exist. In this situation, it is necessary to analyze the remaining factors set forth in paragraph (a)(3) of this section that could affect the division of operating profits between parties. If there are differences between the controlled and uncontrolled taxpayers that would materially affect the division of operating profit, adjustments must be made according to the provisions of § 1.482–1(d)(2) and paragraph (a)(3) of this section.

(v) *Reliability.* As indicated in § 1.482–1(c)(2)(i), as the degree of comparability between the controlled and uncontrolled transactions increases, the reliability of a residual profit split also increases. In a global dealing operation, however, the absence of external market benchmarks (for example, joint ventures between uncontrolled taxpayers) on which to base the allocation of operating profits does not preclude use of this method if the allocation of the residual profit takes into account the relative contribution of each participant. The reliability of this method is increased to the extent that the allocation has economic significance for purposes other than tax (for example, satisfying regulatory standards and reporting, or determining bonuses paid to management or traders). The reliability of the analysis under this method may also be enhanced by the fact that all parties to the controlled transaction are evaluated under this method. The reliability of the results, however, of an analysis based on information from all parties to a transaction is affected by the reliability of the data and assumptions pertaining to each party to the controlled transaction. Thus, if the data and assumptions are significantly more reliable with respect to one of the parties than with respect to the others, a different method, focusing solely on the results of that party, may yield more reliable results.

(vi) *Data and assumptions*—(A) *General rule.* The reliability of the results derived from the residual profit split is measured under the standards set forth in paragraph (e)(5)(iv)(A) of this section.

(B) *Consistency in accounting.* The degree of accounting consistency between controlled and uncontrolled taxpayers is measured under the standards set forth in paragraph (e)(5)(iv)(B) of this section.

(7) *Arm's length range.* See § 1.482–1(e)(2) and paragraph (a)(4) of this section for the determination of an arm's length range.

(8) *Examples.* The following examples illustrate the principles of this paragraph (e).

Example 1. Total profit split. (i) P, a U.S. corporation, establishes a separate U.S. subsidiary (USsub) to conduct a global dealing operation in over-the-counter derivatives. USsub in turn establishes subsidiaries incorporated and doing business in the U.K. (UKsub) and Japan (Jsub). Ussub, Uksub, and Jsub each employ marketers and traders who work closely together to design and sell derivative products to meet the particular needs of customers. Each also employs personnel who process and confirm trades, reconcile trade tickets and provide ongoing administrative support (back office services) for the global dealing operation. The global dealing operation maintains a single common book for each type of risk, and the book is maintained where the head trader for that type of risk is located. Thus, notional principal contracts denominated in North and South American currencies are booked in USsub, notional principal contracts denominated in European currencies are booked in UKsub, and notional principal contracts denominated in Japanese yen are booked in Jsub. However, each of the affiliates has authorized a trader located in each of the other affiliates to risk manage its books during periods when the booking location is closed. This grant of authority is necessary because marketers, regardless of their location, are expected to sell all of the group's products, and need to receive pricing information with respect to products during their clients business hours, even if the booking location is closed. Moreover, P is known for making a substantial amount of its profits from trading activities, and frequently does not hedge the positions arising from its customer transactions in an attempt to profit from market changes. As a result, the traders in ''off-hours'' locations must have a substantial amount of trading authority in order to react to market changes.

(ii) Under § 1.482–8(a)(2), USsub, UKsub and Jsub are participants in a global dealing operation in over-the-counter derivatives. P determines that the total profit split method is the best method to allocate an arm's length amount of income to each participant. P allocates the operating profit from the global dealing operation between USsub, UKsub and Jsub on the basis of the relative compensation paid to marketers and traders in each location. In making the allocation, P adjusts the compensation amounts to account for factors unrelated to job performance, such as the higher cost of living in certain jurisdictions. Because the traders receive significantly greater compensation than marketers in order to account for their greater contribution to the profits of the global dealing operation, P need not make additional adjustments or weight the compensation of the traders more heavily in allocating the operating profit between the affiliates. For rules concerning the source of income allocated to Ussub, Uksub and Jsub (and any U.S. trade or business of the participants), see § 1.863–3(h).

Example 2. Total profit split. The facts are the same as in Example 1, except that the labor market in Japan is such that traders paid by Jsub are paid the same as marketers paid by Jsub at the same seniority level, even though the traders contribute substantially more to the profitability of the global dealing operation. As a result, the allocation method used by P is unlikely to compensate the functions provided by each affiliate so as to be a reliable measure of an arm's length result under §§ 1.482–8(e)(2) and 1.482–

1(c)(1), unless P weights the compensation of traders more heavily than the compensation of marketers or develops another method of measuring the contribution of traders to the profitability of the global dealing operation.

Example 3. Total profit split. The facts are the same as in Example 2, except that, in P's annual report to shareholders, P divides its operating profit from customer business into ''dealing profit'' and ''trading profit.'' Because both marketers and traders are involved in the dealing function, P divides the ''dealing profit'' between the affiliates on the basis of the relative compensation of marketers and traders. However, because only the traders contribute to the trading profit, P divides the trading profit between the affiliates on the basis of the relative compensation only of the traders. In making that allocation, P must adjust the compensation of traders in Jsub in order to account for factors not related to job performance.

Example 4. Total profit split. The facts are the same as in Example 1, except that P is required by its regulators to hedge its customer positions as much as possible and therefore does not earn any ''trading profit.'' As a result, the marketing intangibles, such as customer relationships, are relatively more important than the intangibles used by traders. Accordingly, P must weight the compensation of marketers more heavily than the compensation of traders in order to take into account accurately the contribution each function makes to the profitability of the business.

Example 5. Residual profit split. (i) P is a U.S. corporation that engages in a global dealing operation in foreign currency options directly and through controlled taxpayers that are incorporated and operate in the United Kingdom (UKsub) and Japan (Jsub). Each controlled taxpayer is a participant in a global dealing operation. Each participant employs marketers and traders who work closely together to design and sell foreign currency options that meet the particular needs of customers. Each participant also employs salespeople who sell foreign currency options with standardized terms and conditions, as well as other financial products offered by the controlled group. The traders in each location risk manage a common book of transactions during the relevant business hours of each location. P has a AAA credit rating and is the legal counterparty to all third party transactions. The traders in each location have discretion to execute contracts in the name of P. UKsub employs personnel who process and confirm trades, reconcile trade tickets, and provide ongoing administrative support (back office services) for all the participants in the global dealing operation. The global dealing operation has generated $192 of operating profit for the period.

(ii) After analyzing the foreign currency options business, has determined that the residual profit split method is the best method to allocate the operating profit of the global dealing operation and to determine an arm's length amount of compensation allocable to each participant in the global dealing operation.

(iii) The first step of the residual profit split method (§ 1.482–8(e)(6)(ii)) requires P to identify the routine contributions performed by each participant. P determines that the functions performed by the salespeople are routine. P determines that the arm's length compensation for salespeople is $3, $4, and $5 in the United States, the United Kingdom, and Japan, respectively. Thus, P allocates $3, $4, and $5 to P, UKsub, and Jsub, respectively.

(iv) Although the back office function would not give rise to participant status, in the context of a residual profit split allocation, the back office function is relevant for purposes of receiving remuneration for routine contributions to a global dealing operation. P determines that an arm's length compensation for the back office is $20. Since the back office services constitute routine contributions, $20 of income is allocated to UKsub under step 1 of the residual profit split method. In addition, P determines that the comparable arm's length compensation for the risk to which P is subject as counterparty is $40. Accordingly, $40 is allocated to P as compensation for acting as counterparty to the transactions entered into in P's name by Jsub and UKsub.

(v) The second step of the residual profit split method (§ 1.482–8(e)(6)(iii)) requires that the residual profit be allocated to participants according to the relative value of their nonroutine contributions. Under P's transfer pricing method, P allocates the residual profit of $120 ($192 gross income minus $12 salesperson commissions minus $20 payment for back office services minus $40 compensation for the routine contribution of acting as counterparty) using a multi-factor formula that reflects the relative value of the nonroutine contributions. Applying the comparability factors set out in § 1.482–8(a)(3), P allocates 40% of the residual profit to UKsub, 35% of the residual profit to P, and the remaining 25% of residual profit to Jsub. Accordingly, under step 2, $48 is allocated to UKsub, $42 is allocated to P, and $30 is allocated to Jsub. See § 1.863–3(h) for the source of income allocated to P with respect to its counterparty function.

(f) *Unspecified methods.* Methods not specified in paragraphs (b),(c),(d), or (e) of this section may be used to evaluate whether the amount charged in a controlled transaction is at arm's length. Any method used under this paragraph (f) must be applied in accordance with the provisions of § 1.482–1 as modified by paragraph (a)(3) of this section.

(g) *Source rule for qualified business units.* See § 1.863–3(h) for application of the rules of this section for purposes of determining the source of income, gain or loss from a global dealing operation among qualified business units (as defined in section 989(c) and §§ 1.863–3(h)(3)(iv) and 1.989(a)–1).

Par. 7. Section 1.863–3 is amended as follows:

1. Paragraph (h) is redesignated as paragraph (i).

2. A new paragraph (h) is added.

The addition reads as follows:

§ 1.863–3 Allocation and apportionment of income from certain sales of inventory.

* * * * *

(h) *Income from a global dealing operation*—(1) *Purpose and scope.* This paragraph (h) provides rules for sourcing income, gain and loss from a global dealing operation that, under the rules of § 1.482–8, is earned by or allocated to a controlled taxpayer qualifying as a participant in a global dealing operation under § 1.482–8(a)(2)(ii). This paragraph (h) does not apply to income earned by or allocated to a controlled taxpayer qualifying as a participant in a global dealing operation that is specifically sourced under sections 861, 862 or 865, or to substitute payments earned by a participant in a global dealing operation that are sourced under § 1.861–2(a)(7) or § 1.861–3(a)(6).

(2) *In general.* The source of any income, gain or loss to which this section applies shall be determined by reference to the residence of the participant. For purposes of this paragraph (h), the residence of a participant shall be determined under section 988(a)(3)(B).

(3) *Qualified business units as participants in global dealing operations*—(i) *In general.* Except as otherwise provided in this paragraph (h), where a single controlled taxpayer conducts a global dealing operation through one or more qualified business units (QBUs), as defined in section 989(a) and § 1.989(a)–1, the source of income, gain or loss generated by the global dealing operation and earned by or allocated to the controlled taxpayer shall be determined by applying the rules of § 1.482–8 as if each QBU that performs activities of a regular dealer in securities as defined in § 1.482–8(a)(2)(ii)(A) or the related activities described in § 1.482–8(a)(2)(ii)(B) were a separate controlled taxpayer qualifying as a participant in the global dealing operation within the meaning of § 1.482–8(a)(2)(ii). Accordingly, the amount of income sourced in the United States and outside of the United States shall be determined by treating the QBU as a participant in the global dealing operation, allocating income to each participant under § 1.482–8, as modified by paragraph (h)(3)(ii) of this section, and sourcing the income to the United States or outside of the United States under § 1.863–3(h)(2).

(ii) *Economic effects of a single legal entity.* In applying the principles of § 1.482–8, the taxpayer shall take into account the economic effects of conducting a global dealing operation through a single entity instead of multiple legal entities. For example,

since the entire capital of a corporation supports all of the entity's transactions, regardless of where those transactions may be booked, the payment of a guarantee fee within the entity is inappropriate and will be disregarded.

(iii) *Treatment of interbranch and interdesk amounts.* An agreement among QBUs of the same taxpayer to allocate income, gain or loss from transactions with third parties is not a transaction because a taxpayer cannot enter into a contract with itself. For purposes of this paragraph (h)(3), however, such an agreement, including a risk transfer agreement (as defined in § 1.475(g)–2(b)) may be used to determine the source of global dealing income from transactions with third parties in the same manner and to the same extent that transactions between controlled taxpayers in a global dealing operation may be used to allocate income, gain or loss from the global dealing operation under the rules of § 1.482–8.

(iv) *Deemed QBU.* For purposes of this paragraph (h)(3), a QBU shall include a U.S. trade or business that is deemed to exist because of the activities of a dependent agent in the United States, without regard to the books and records requirement of § 1.989(a)–1(b).

(v) *Examples.* The following examples illustrate this paragraph (h)(3).

Example 1. Use of comparable uncontrolled financial transactions method to source global dealing income between branches. (i) F is a foreign bank that acts as a market maker in foreign currency through branch offices in London, New York, and Tokyo. In a typical business day, the foreign exchange desk in F's U.S. branch (USFX) enters into several hundred spot and forward contracts on the interbank market to purchase and sell Deutsche marks (DM) with unrelated third parties. Each of F's branches, including USFX, employs both marketers and traders for their foreign currency dealing. In addition, USFX occasionally transfers risk with respect to its third party DM contracts to F's London and Tokyo branches.

These interbranch transfers are entered into in the same manner as trades with unrelated third parties. On a typical day, risk management responsibility for no more than 10% of USFX's DM trades are transferred interbranch. F records these transfers by making notations on the books of each branch that is a party to the transfers. The accounting procedures are nearly identical to those followed when a branch enters into an offsetting hedge with a third party. USFX maintains contemporaneous records of its interbranch transfers and third party transactions, separated according to type of trade and counterparty. Moreover, the volume of USFX's DM spot purchases and sales each day consistently provides USFX with third party transactions that are contemporaneous with the transfers between the branches.

(ii) As provided in paragraph (h)(3)(i) of this section, USFX and F's other branches that trade DM are participants in a global dealing operation. Accordingly, the principles of § 1.482–8 apply in determining the source of income earned by F's qualified business units that are participants in a global dealing operation. Applying the comparability factors in § 1.482–8(a)(3) shows that USFX's interbranch transfers and uncontrolled DM-denominated spot and forward contracts have no material differences. Because USFX sells DM in uncontrolled transactions and transfers risk management responsibility for DM-denominated contracts, and the uncontrolled transactions and interbranch transfers are consistently entered into contemporaneously, the interbranch transfers provide a reliable measure of an arm's length allocation of third party income from F's global dealing operation in DM-denominated contracts. This allocation of third party income is treated as U.S. source in accordance with §§ 1.863–3(h) and 1.988–4(h) and accordingly will be treated as income effectively connected with F's U.S. trade or business under § 1.864–4.

Example 2. Residual profit split between branches. (i) F is a bank organized in country X that has a AAA credit rating and engages in a global dealing operation in foreign currency options through branch offices in London, New York, and Tokyo. F has dedicated marketers and traders in each branch who work closely together to design and sell foreign currency options that meet the particular needs of customers. Each branch also employs general salespeople who sell standardized foreign currency options, as well as other financial products and foreign currency offered by F. F's traders work from a common book of transactions that is risk managed at each branch during local business hours. Accordingly, all three branches share the responsibility for risk managing the book of products. Personnel in the home office of F process and confirm trades, reconcile trade tickets, and provide ongoing administrative support (back office services) for the other branches. The global dealing operation has generated $223 of operating profit for the period.

(ii) Under § 1.863–3(h), F applies § 1.482–8 to allocate global dealing income among its branches, because F's London, New York, and Tokyo branches are treated as participants in a global dealing operation that deals in foreign currency options under § 1.482–8(a)(2). After analyzing the foreign currency options business, F has determined that the residual profit split method is the best method to determine an arm's length amount of compensation allocable to each participant in the global dealing operation.

(iii) Under the first step of the residual profit split method (§ 1.482–8(e)(6)(ii)), F identifies and compensates the routine contributions performed by each participant. F determines that an arm's length compensation for general salespeople is $3, $4, and $5 in New York, London, and Tokyo, respectively, and that the home office incurred $11 of expenses in providing the back office services. Since F's capital legally supports all of the obligations of the branches, no amount is allocated to the home office of F for the provision of capital.

(iv) The second step of the residual profit split method (§ 1.482–8(e)(6)(iii)) requires that the residual profit be allocated to participants according to their nonroutine contributions. F determines that a multi-factor formula best reflects these contributions. After a detailed functional analysis, and applying the comparability factors in § 1.482–8(a)(3), 40% of the residual profit is allocated to the London branch, 35% to the New York branch, and the remaining 25% to the Tokyo branch. Thus, the residual profit of $200 ($223 operating profit minus $12 general salesperson commissions minus $11 back office allocation) is allocated $80 to London (40% allocation×$200), $70 to New York (35%×$200) and $50 to Tokyo (25%×$200).

Example 3. Residual profit split—deemed branches. (i) P, a U.K. corporation, conducts a global dealing operation in notional principal contracts, directly and through a U.S. subsidiary (USsub) and a Japanese subsidiary (Jsub). P is the counterparty to all transactions entered into with third parties. P, USsub, and Jsub each employ marketers and traders who work closely together to design and sell derivative products to meet the particular needs of customers. USsub also employs personnel who process and confirm trades, reconcile trade tickets and provide ongoing administrative support (back office services) for the global dealing operation. The global dealing operation maintains a single common book for each type of risk, and the book is maintained where the head trader for that type of risk is located. However, P, Ussub, and Jsub have authorized a trader located in each of the other affiliates to risk manage its books during periods when the primary trading location is closed. This grant of authority is necessary because marketers, regardless of their location, are expected to sell all of the group's products, and need to receive pricing information with respect to products during their clients business hours, even if the booking location is closed. The global dealing operation has generated $180 of operating profit for the period.

(ii) Because employees of USsub have authority to enter into contracts in the name of P, P is treated as being engaged in a trade or business in the United States through a deemed QBU. § 1.863–3(h)(3)(iv). Similarly, under U.S. principles, P would be treated as being engaged in business in Japan through a QBU. Under § 1.482–8(a)(2), P, USsub, and Jsub are participants in the global dealing operation relating to notional principal contracts. Additionally, under § 1.863–3(h)(3), the U.S. and Japanese QBUs are treated as participants in a global dealing operation for purposes of sourcing the income from that operation. Under § 1.863–3(h), P applies the methods in § 1.482–8 to determine the source of income allocated to the U.S. and non-U.S. QBUs of P.

(iii) After analyzing the notional principal contract business, P has concluded that the residual profit split method is the best method to allocate income under § 1.482–8 and to source income under § 1.863–3(h).

(iv) Under the first step of the residual profit split method (§ 1.482–8(e)(6)(ii)), P identifies and compensates the routine contributions performed by each participant.

Although the back office function does not give rise to participant status, in the context of a residual profit split allocation, the back office function is relevant for purposes of receiving remuneration for a routine contribution to a global dealing operation. P determines that an arm's length compensation for the back office is $20. Since the back office services constitute a routine contribution, $20 of income is allocated to USsub under step 1 of the residual profit split method. Similarly, as the arm's length compensation for the risk to which P is subject as counterparty is $40, $40 is allocated to P as compensation for acting as counterparty.

(v) The second step of the residual profit split method (§ 1.482–8(e)(6)(iii)) requires that the residual profit be allocated to participants according to the relative value of their nonroutine contributions. Under P's transfer pricing method, P allocates the residual profit of $120 ($180 gross income minus $20 for back office services minus $40 compensation for the routine contribution of acting as counterparty) using a multi-factor formula that reflects the relative value of the nonroutine contributions. Applying the comparability factors set out in § 1.482–8(a)(3), P allocates 40% of the residual profit to P, 35% of the residual profit to USsub, and the remaining 25% of residual profit to Jsub. Accordingly, under step 2, $48 is allocated to P, $42 is allocated to USsub, and $30 is allocated to Jsub. Under § 1.863–3(h), the amounts allocated under the residual profit split is sourced according to the residence of each participant to which it is allocated.

(vi) Because the $40 allocated to P consists of compensation for the use of capital, the allocation is sourced according to where the capital is employed. Accordingly, the $40 is sourced 35% to P's deemed QBU in the United States under § 1.863–3(h)(3)(iv) and 65% to non-U.S. sources.

* * * * *

Par. 8. Section 1.863–7(a)(1) is amended by revising the second sentence to read as follows:

§ 1.863–7 Allocation of income attributable to certain notional principal contracts under section 863(a).

(a) *Scope*—(1) *Introduction.* * * * This section does not apply to income from a section 988 transaction (as defined in section 988(c) and § 1.988–1(a)), or to income from a global dealing operation (as defined in § 1.482–8(a)(2)(i)) that is sourced under the rules of § 1.863–3(h). * * *

* * * * *

Par. 9. Section 1.864–4 is amended as follows:

1. Paragraphs (c)(2)(iv), (c)(2)(v), (c)(3)(ii), and (c)(5)(vi)(*a*) and (*b*) are redesignated as (c)(2)(v), (c)(2)(vi), (c)(3)(iii), and (c)(5)(vi) (*b*) and (*c*), respectively.

2. New paragraphs (c)(2)(iv), (c)(3)(ii), and (c)(5)(vi)(*a*) are added.

The additions read as follows:

§ 1.864–4 U.S. source income effectively connected with U.S. business.

* * * * *

(c) * * *

(2) * * *

(iv) *Special rule relating to a global dealing operation.* An asset used in a global dealing operation, as defined in § 1.482–8(a)(2)(i), will be treated as an asset used in a U.S. trade or business only if and to the extent that the U.S. trade or business is a participant in the global dealing operation under § 1.863–3(h)(3), and income, gain or loss produced by the asset is U.S. source under § 1.863–3(h) or would be treated as U.S. source if § 1.863–3(h) were to apply to such amounts.

* * * * *

(3) * * *

(ii) *Special rule relating to a global dealing operation.* A U.S. trade or business shall be treated as a material factor in the realization of income, gain or loss derived in a global dealing operation, as defined in § 1.482–8(a)(2)(i), only if and to the extent that the U.S. trade or business is a participant in the global dealing operation under § 1.863–3(h)(3), and income, gain or loss realized by the U.S. trade or business is U.S. source under § 1.863–3(h) or would be treated as U.S. source if § 1.863–3(h) were to apply to such amounts.

* * * * *

(5) * * *

(vi) * * *

(*a*) *Certain income earned by a global dealing operation.* Notwithstanding paragraph (c)(5)(ii) of this section, U.S. source interest, including substitute interest as defined in § 1.861–2(a)(7), and dividend income, including substitute dividends as defined in § 1.861–3(a)(6), derived by a participant in a global dealing operation, as defined in § 1.482–8(a)(2)(i), shall be treated as attributable to the foreign corporation's U.S. trade or business, only if and to the extent that the income would be treated as U.S. source if § 1.863–3(h) were to apply to such amounts.

Par. 10. Section 1.864–6 is amended as follows:

1. Paragraph (b)(2)(ii)(*d*)(*3*) and (b)(3)(ii)(*c*) are added.

2. Paragraph (b)(3)(i) is revised by adding a new sentence after the last sentence.

The additions and revision read as follows:

§ 1.864–6 Income, gain or loss attributable to an office or other fixed place of business in the United States.

* * * * *

(b) * * *

(2) * * *

(ii) * * *

(*d*) * * *

(*3*) *Certain income earned by a global dealing operation.* Notwithstanding paragraphs (b)(2)(ii) (*a*) or (*b*) of this section, foreign source interest, including substitute interest as defined in § 1.861–2(a)(7), or dividend income, including substitute dividends as defined in § 1.861–3(a)(6), derived by a participant in a global dealing operation, as defined in § 1.482–8(a)(2)(i) shall be treated as attributable to the foreign corporation's U.S. trade or business only if and to the extent that the income would be treated as U.S. source if § 1.863–3(h) were to apply to such amounts. * * *

(3) * * *

(i) * * * Notwithstanding paragraphs (b)(3)(i) (*1*) and (*2*) of this section, an office or other fixed place of business of a nonresident alien individual or a foreign corporation which is located in the United States and which is a participant in a global dealing operation, as defined in § 1.482–8(a)(2)(i), shall be considered to be a material factor in the realization of foreign source income, gain or loss, only if and to the extent that such income, gain or loss would be treated as U.S. source if § 1.863–3(h) were to apply to such amounts.

(ii) * * *

(*c*) *Property sales in a global dealing operation.* Notwithstanding paragraphs (b)(3)(ii)(*a*) or (*b*) of this section, personal property described in section 1221(1) and sold in the active conduct of a taxpayer's global dealing operation, as defined in § 1.482–8(a)(2)(i), shall be presumed to have been sold for use, consumption, or disposition outside of the United States only if and to the extent that the income, gain or loss to which the sale gives rise would be sourced outside of the United States if § 1.863–3(h) were to apply to such amounts.

Par. 11. Section 1.894–1 is amended as follows:

1. Paragraph (d) is redesignated as paragraph (e).

2. New paragraph (d) is added.

The addition reads as follows:

§ 1.894–1 Income affected by treaty.

* * * * *

(d) *Income from a global dealing operation.* If a taxpayer that is engaged in a global dealing operation, as defined in § 1.482–8(a)(2)(i), has a permanent establishment in the United States under the principles of an applicable U.S. income tax treaty, the principles of § 1.863–3(h), § 1.864–4(c)(2)(iv), § 1.864–4(c)(3)(ii), § 1.864–4(c)(5)(vi)(a) or § 1.864–6(b)(2)(ii)(*d*)(*3*) shall apply

for purposes of determining the income attributable to that U.S. permanent establishment.

* * * * *

Par. 12. Section 1.988–4 is amended as follows:

1. Paragraph (h) is redesignated as paragraph (i).

2. A new paragraph (h) is added.

The addition and revision read as follows:

§ 1.988–4 Source of gain or loss realized on a section 988 transfer.

* * * * *

(h) *Exchange gain or loss from a global dealing operation.* Notwithstanding the provisions of this section, exchange gain or loss derived by a participant in a global dealing operation, as defined in § 1.482–8(a)(2)(i), shall be sourced under the rules set forth in § 1.863–3(h).

* * * * *

Michael P. Dolan,

Deputy Commissioner of Internal Revenue.

[FR Doc. 98–5674 Filed 3–2–98; 1:50 pm]

BILLING CODE 4830–01–P

DEPARTMENT OF DEFENSE

Defense Logistics Agency

32 CFR Part 323

[Defense Logistics Agency Reg. 5400.21]

Defense Logistics Agency Privacy Program

AGENCY: Defense Logistics Agency, DoD.

ACTION: Proposed rule.

SUMMARY: The Defense Logistics Agency proposes to exempt a system of records identified as S500.60 CA, entitled 'DLA Complaint Program Records' from certain provisions of the Privacy Act. The exemptions are intended to increase the value of the system of records for law enforcement purposes, to comply with prohibitions against the disclosure of certain kinds of information, and to protect the privacy of individuals identified in the system of records.

DATES: Comments must be received on or before May 5, 1998, to be considered by this agency.

ADDRESSES: Send comments to the Privacy Act Officer, Defense Logistics Agency, ATTN: CAAR, 8725 John J. Kingman Road, Suite 2533, Fort Belvoir, VA 22060–6221.

FOR FURTHER INFORMATION CONTACT: Ms. Susan Salus at (703) 767–6183.

SUPPLEMENTARY INFORMATION:

Executive Order 12866. It has been determined that this Privacy Act rule for the Department of Defense does not constitute 'significant regulatory action'. Analysis of the rule indicates that it does not have an annual effect on the economy of $100 million or more; does not create a serious inconsistency or otherwise interfere with an action taken or planned by another agency; does not materially alter the budgetary impact of entitlements, grants, user fees, or loan programs or the rights and obligations of recipients thereof; does not raise novel legal or policy issues arising out of legal mandates, the President's priorities, or the principles set forth in Executive Order 12866.

Regulatory Flexibility Act. It has been determined that this Privacy Act rule for the Department of Defense does not have significant economic impact on a substantial number of small entities because it is concerned only with the administration of Privacy Act systems of records within the Department of Defense.

Paperwork Reduction Act. It has been determined that this Privacy Act rule for the Department of Defense imposes no information requirements beyond the Department of Defense and that the information collected within the Department of Defense is necessary and consistent with 5 U.S.C. 552a, known as the Privacy Act, and 44 U.S.C. Chapter 35.

This proposed rule would add an exempt Privacy Act system of records to the DLA inventory of systems of records. DLA operates a complaint system whereby individuals may report instances of suspected fraud, waste, or abuse; mismanagement; contract deviations, noncompliance, or improprieties; administrative misconduct; or adverse treatment under the complaint program. Allegations are investigated and appropriate corrections are instituted. The proposal to exempt the system reflects recognition that certain records in the system may be deemed to require protection from disclosure in order to protect confidential sources mentioned in the files and avoid compromising, impeding, or interfering with investigative and enforcement proceedings. The Director proposes to adopt these exemptions for the reasons provided.

List of Subjects in 32 CFR part 323

Privacy.

Accordingly, 32 CFR part 323 is proposed to be amended as follows:

PART 323–DEFENSE LOGISTICS AGENCY PRIVACY PROGRAM.

1. The authority citation for part 323 continues to read as follows:

Authority: Pub. L. 93–579, 88 Stat 1896 (5 U.S.C. 552a).

2. Appendix H to Part 323 is proposed to be amended by adding paragraph e. as follows:

Appendix H to Part 323-DLA Exemption Rules.

* * * * *

e. *ID: S500.60 CA (Specific exemption).*

1. *System name:* DLA Complaint Program Records.

2. *Exemption:* (i) Investigatory material compiled for law enforcement purposes may be exempt pursuant to 5 U.S.C. 552a(k)(2). However, if an individual is denied any right, privilege, or benefit for which he would otherwise be entitled by Federal law or for which he would otherwise be eligible, as a result of the maintenance of the information, the individual will be provided access to the information except to the extent that disclosure would reveal the identity of a confidential source.

(ii) Investigatory material compiled solely for the purpose of determining suitability, eligibility, or qualifications for federal civilian employment, military service, federal contracts, or access to classified information may be exempt pursuant to 5 U.S.C. 552a(k)(5), but only to the extent that such material would reveal the identity of a confidential source.

3. *Authority:* 5 U.S.C. 552a(k)(2) and (k)(5), subsections (c)(3), (d)(1) through (d)(4), (e)(1), (e)(4)(G), (H), and (I), and (f).

4. *Reasons:* (i) From subsection (c)(3) because to grant access to an accounting of disclosures as required by the Privacy Act, including the date, nature, and purpose of each disclosure and the identity of the recipient, could alert the subject to the existence of the investigation or prosecutive interest by DLA or other agencies. This could seriously compromise case preparation by prematurely revealing its existence and nature; compromise or interfere with witnesses or make witnesses reluctant to cooperate; and lead to suppression, alteration, or destruction of evidence.

(ii) From subsections (d)(1) through (d)(4), and (f) because providing access to records of a civil or administrative investigation and the right to contest the contents of those records and force changes to be made to the information contained therein would seriously interfere with and thwart the orderly and unbiased conduct of the investigation and impede case preparation. Providing access rights normally afforded under the Privacy Act

would provide the subject with valuable information that would allow interference with or compromise of witnesses or render witnesses reluctant to cooperate; lead to suppression, alteration, or destruction of evidence; enable individuals to conceal their wrongdoing or mislead the course of the investigation; and result in the secreting of or other disposition of assets that would make them difficult or impossible to reach in order to satisfy any Government claim growing out of the investigation or proceeding.

(iii) From subsection (e)(1) because it is not always possible to detect the relevance or necessity of each piece of information in the early stages of an investigation. In some cases, it is only after the information is evaluated in light of other evidence that its relevance and necessity will be clear.

(iv) From subsections (e)(4)(G) and (H) because this system of records is compiled for law enforcement purposes and is exempt from the access provisions of subsections (d) and (f).

(v) From subsection (e)(4)(I) because to the extent that this provision is construed to require more detailed disclosure than the broad, generic information currently published in the system notice, an exemption from this provision is necessary to protect the confidentiality of sources of information and to protect privacy and physical safety of witnesses and informants. DLA will, nevertheless, continue to publish such a notice in broad generic terms as is its current practice.

Dated: March 2, 1998.

L.M. Bynum,

Alternate OSD Federal Register Liaison Officer, Department of Defense

[FR Doc. 98–5760 Filed 3–5–98; 8:45 am]

BILLING CODE 5000–04–F

POSTAL SERVICE

39 CFR Part 111

Eligibility Requirements for Certain Nonprofit Standard Mail Rate Matter

AGENCY: Postal Service.

ACTION: Proposed rule.

SUMMARY: This proposed rule will amend the standards for mail matter eligible to be sent at the Nonprofit Standard Mail rates. Specifically, mail matter that seeks or solicits membership dues payments may contain ''promotional'' material concerning membership benefits when certain criteria are met.

DATES: Comments must be received on or before April 6, 1998.

ADDRESSES: Written comments should be mailed or delivered to Manager, Business Mail Acceptance, USPS Headquarters, 475 L'Enfant Plaza SW., Washington, DC 20260–6808. Copies of all written comments will be available for inspection and photocopying between 9 a.m. and 4 p.m., Monday through Friday, in Room 6801 at the above address.

FOR FURTHER INFORMATION CONTACT: Jerome M. Lease, 202–268–5188.

SUPPLEMENTARY INFORMATION: Nonprofit organizations authorized to mail at the Nonprofit Standard Mail rates often list ''member benefits'' when soliciting new members or renewals. The Postal Service has long held that references to benefits are ''permissible,'' *i.e.*, not considered solicitations under the statutory restrictions on matter eligible for the nonprofit rates, provided advertising, promotional, or application materials for such benefits are not included in the mailpiece.

The Postal Service position is based on 39 U.S.C. 3626(j)(2)(B), which is implemented in Domestic Mail Manual (DMM) E670.5.7b, and states that an authorized nonprofit organization's material is not disqualified from being mailed at the Nonprofit Standard Mail rates solely because that material contains, but is not primarily devoted to, references to and a response card or other instructions for making inquiries about services or benefits available from membership in the authorized organization, if advertising, promotional, or application materials for such services or benefits are not included. If advertising, promotional, or application materials are present in a mailpiece that announces the availability of membership services or benefits, the mailpiece is not eligible for the Nonprofit Standard Mail rates unless the provision of such services or benefits is ''substantially related'' to the exercise or performance by the organization of one or more of the purposes under which the organization qualified to mail at the Nonprofit Standard Mail rates or, if the benefit is for travel, insurance, or financial instruments such as credit cards which are subject to separate rules, other prescribed exceptions are met. See 39 U.S.C. 3626(j) and DMM E670.5.4.

The Postal Service considers descriptive information printed in conjunction with the generic name of a service or product constituting a membership benefit, to be promotional. For example, information such as ''low cost,'' ''no annual fee,'' or ''5% interest rate'' to describe a credit card offered as a membership benefit would be considered promotional material (in the same manner as words such as ''delicious,'' ''nutritional,'' or ''inexpensive'' would be considered promotional if used to describe food products) which may make the mailpiece ineligible for the Nonprofit Standard Mail rates. Purchase terms and conditions, and brand names are also considered promotional.

On November 14, 1997, the Postal Service published a final rule in the **Federal Register** allowing solicitations for contributions or membership dues payments that offer ''backend premiums'' not to be considered advertising for the premium(s) when certain criteria are met (See 62 FR 61014–61015 (November 14, 1997)). In doing so, the Postal Service determined to consider the solicitation as a single transaction, and considered whether it was predominantly a request for contributions or dues payments. The Postal Service believes it appropriate to adopt a similar approach with respect to the announcements of benefits available to members. Nevertheless, the Postal Service is mindful of section 39 U.S.C 3626(j)(2)(B), which prohibits the inclusion of advertising, promotional, or application materials in conjunction with these advertisements.

The Postal Service proposes an amendment to Domestic Mail Manual E670.5.7b., to provide that a solicitation for new members or renewal of membership may, to a minor extent, describe membership benefits with the use of promotional terms provided it can be determined by an actual measurement that the piece is primarily a solicitation for new members or a renewal offer. For purposes of this exception, minor is defined as less than half. Measurement would be performed in accordance with the same standards for measuring advertising and nonadvertising in a Periodicals publication. See DMM P200.1.7. This change, which will affect mailings made after the date any rule change is adopted and not retroactively to previous mailings, only applies to the solicitation letter itself, and not to any brochures, circulars, flyers, or other separate, distinct, or independent documents. Any advertising, promotional, or application materials in these latter documents may cause the mailpiece to be ineligible for the nonprofit rates. The proposal does establish a limited exception for an organization which prepares a standard, preprinted document, consisting of a single sheet, that lists and describes its member benefits. This document may be

enclosed with and considered part of the solicitation letter for purposes of applying the proposed test, provided that the letter does not itself list or describe the member benefits. The latter may, however, refer the addressee to the separate list of benefits. (For example, the letter may state: ''For a description of benefits available to members, please see the attached sheet'', as long as no promotional material concerning the benefits is included.)

Although exempt from the notice and comment requirements of the Administrative Procedure Act {5 U.S.C. 553{b}, {c}} regarding proposed rulemaking by 39 U.S.C. 410{a}, the Postal Service invites comments on the following proposed revisions of the DMM, incorporated by reference in the Code of Federal Regulations. (see CFR part 111).

List of Subjects in 39 CFR Part 111

Postal Service.

PART 111—[AMENDED]

1. The authority citation for 39 CFR part 111 continues to read as follows:

Authority: 5 U.S.C. 552(a); 39 U.S.C. 101, 401, 403, 404, 3001–3011, 3201–3219, 3403–3406, 3621, 3626, 5001.

2. Amend Domestic Mail Manual E670.5.7, by revising b. to read as follows:

E Eligibility

* * * * *

E670 Nonprofit Standard Mail

* * * * *

* * * * *

5.0 ELIGIBLE AND INELIGIBLE MATTER

* * * * *

5.7 Other Matter

An authorized nonprofit organization's material is not disqualified from being mailed at the Nonprofit Standard Mail rates solely because that material contains, but is not primarily devoted to:

* * * * *

b. References to and a response card or other instructions for making inquiries about services or benefits available from membership in the authorized organization, if advertising, promotional, or application materials for such services or benefits are not included. For purposes of this section, descriptions of member benefits available as a part of membership including the use of adjectives, terms, conditions, and brand names, are permissible when they are a minor part of a solicitation or renewal request for membership payments. For purposes of this provision, ''minor'' is defined as ''less than half.'' Measurement is made in accordance with P200.1. The solicitation or renewal request in which, to a minor degree, member benefits may be promoted is considered to include only a printed letter to prospective members or current members whose membership is about to expire, and not to any separate, distinct, or independent brochure, circular, flyer, or other documents. Such separate documents will be considered advertising if they contain any advertising, promotional, or application materials. Exception: A separate document prepared by the qualifying organization, consisting of one sheet, will be considered to be part of the solicitation letter if it describes the organization's member benefits and the solicitation letter does not describe the organization's benefits but instead refers the reader to the separate document.

* * * * *

An appropriate amendment to 39 CFR 111.3 to reflect these changes will be published if the proposal is adopted.

Stanley F. Mires,

Chief Counsel, Legislative.

[FR Doc. 98–5772 Filed 3–5–98; 8:45 am]

BILLING CODE 7710–12–U

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Parts 264 and 265

[FRL–5973–4]

Project XL Site-specific Rulemaking for OSi Specialties, Inc., Sistersville, WV

AGENCY: Environmental Protection Agency (EPA).

ACTION: Proposed rule.

SUMMARY: The EPA is implementing a project under the Project XL program for the OSi Specialties, Inc. plant, a wholly owned subsidiary of Witco Corporation, located near Sistersville, West Virginia (the ''Sistersville Plant''). The terms of the XL project are defined in a Final Project Agreement (''FPA'') which was made available for public review and comment. See 62 FR 34748, June 27, 1997. Following a review of the public comments, the FPA was signed by delegates from the EPA, the West Virginia Division of Environmental Protection (''WVDEP'') and Witco Corporation on October 17, 1997. The EPA is today proposing a site-specific rule, applicable only to the Sistersville Plant, to facilitate implementation of the XL project.

Today's action proposes a site-specific regulatory deferral from the Resource Conservation and Recovery Act (RCRA) organic air emission standards, commonly known as RCRA Subpart CC. The applicability of this site-specific deferral is limited to two existing hazardous waste surface impoundments, and is conditioned on the Sistersville Plant's compliance with air emission and waste management requirements that have been developed under this XL project. Today's action proposes site-specific regulatory changes to implement this XL project. The agency expects this XL project to result in superior environmental performance at the Sistersville Plant, while deferring significant capital expenditures, and thus providing cost savings for the Sistersville Plant.

DATES: *Comments.* Public comments on this proposed rule will be accepted until March 27, 1998.

Public Hearing. A public hearing will be held, if requested, to provide interested persons an opportunity for verbal presentation of data, views, or arguments concerning this site-specific rule to implement the Sistersville Plant's XL project. If anyone contacts the EPA requesting to speak at a public hearing by March 16, 1998, a public hearing will be held on March 20, 1998.

ADDRESSES:

Request to Speak at Hearing. Persons wishing to make verbal presentations must contact Mr. Tad Radzinski at U.S. EPA Region 3. Mr. Tad Radzinski may be contacted at the following: U.S. Environmental Protection Agency, Region 3 (3WC11), 841 Chestnut Street, Philadelphia, PA 19107–4431, (215) 566–2394.

Comments. Written comments should be mailed to the RCRA Information Center Docket Clerk (5305W), U.S. Environmental Protection Agency, 401 M Street, S.W., Washington, D.C. 20460. Please send an original and two copies of all comments, and refer to Docket Number F–98–MCCP–FFFFF.

Docket. A docket containing supporting information used in developing this rulemaking is available for public inspection and copying at the EPA's docket office located at Crystal Gateway, 1235 Jefferson Davis Highway, First Floor, Arlington, Virginia. The public is encouraged to phone in advance to review docket materials. Appointments can be scheduled by phoning the Docket Office at (703) 603–9230. Refer to RCRA docket number F–98–MCCP–FFFFF.

A duplicate copy of the docket is available for inspection and copying at

U.S. EPA, Region 3, 841 Chestnut Street, Philadelphia, PA 19107–4431, during normal business hours. Persons wishing to view the duplicate docket at the Philadelphia location are encouraged to contact Mr. Tad Radzinski in advance, by telephoning (215) 566–2394.

FOR FURTHER INFORMATION CONTACT: Mr. Tad Radzinski, U.S. Environmental Protection Agency, Region 3 (3WC11), Waste Chemical Management Division, 841 Chestnut Street, Philadelphia, PA 19107–4431, (215) 566–2394.

SUPPLEMENTARY INFORMATION: The air emission and waste management requirements proposed today are set forth in an associated direct final rule published in the Final Rules section of today's **Federal Register**. The EPA is publishing this action as a proposed rule, and concurrently as a direct final rule without prior proposal, because EPA views this as a noncontroversial action and anticipates no relevant adverse comments. In the event that no relevant adverse comments are received by the close of the twenty-one day public comment period, this action will become effective on April 1, 1998. This rule will become effective without further notice unless the Agency receives relevant adverse comment within 21 days of today's action. Should the Agency receive such comments, it will publish a notice informing the public that the direct final rule did not take effect. If relevant adverse comments are received on this proposed rule or on the associated direct final rule, EPA will withdraw the direct final rule and address the comments received. The EPA would then publish responses to such comments when final action is taken, pursuant to this proposed rule. No additional opportunity for public comment will be provided. Unless the direct final rule is withdrawn, no further rulemakings will be published for this action.

For additional information on today's proposed rulemaking, including the regulatory text of the proposed rule, see the associated direct final rule which is published in the Final Rules section of today's **Federal Register**.

Public Hearing

A public hearing will be held, if requested, to provide opportunity for interested persons to make verbal presentations regarding this proposed regulation in accordance with 42 U.S.C. § 7004(b)(1); 40 CFR part 25. Persons wishing to make a verbal presentation on the proposed rule to implement the OSi Sistersville Plant XL project should contact Mr. Tad Radzinski of the Region 3 EPA office, at the address given in the **ADDRESSES** section of this document. Any member of the public may file a written statement before the hearing, or after the hearing, to be received by EPA no later than March 27, 1998. Written statements should be sent in duplicate to the RCRA Information Center Docket Office, and to Mr. Tad Radzinski, at the addresses given in the **ADDRESSES** section of this document. If a public hearing is held, a verbatim transcript of the hearing, and written statements provided at the hearing will be available for inspection and copying during normal business hours at the EPA addresses for docket inspection given in the **ADDRESSES** section of this preamble.

Executive Order 12866

Under Executive Order 12866 (58 FR 51735, October 4, 1993) the Agency must determine whether the regulatory action is ''significant'' and therefore subject to 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 in 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 entitlement, grants, user fees, or loan programs of 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.

Because the annualized cost of this rule would be significantly less than $100 million and would not meet any of the other criteria specified in the Executive Order, it has been determined that this rule is not a ''significant regulatory action'' under the terms of Executive Order 12866, and is therefore not subject to OMB review.

Executive Order 12866 also encourages agencies to provide a meaningful public comment period, and suggests that in most cases the comment period should be sixty days. However, in consideration of the very limited scope of today's site-specific rulemaking, and the previous opportunity for public comment (which included the details of today's rulemaking) that EPA provided with the proposed FPA (see 62 FR 34748, June 27, 1997), the EPA considers twenty-one days to be sufficient in providing a meaningful public comment period for today's action.

Regulatory Flexibility

The Regulatory Flexibility Act (RFA) generally requires an agency to conduct a regulatory flexibility analysis of any rule subject to notice and comment rulemaking requirements unless the agency certifies that the rule will not have a significant economic impact on a substantial number of small entities. Small entities include small businesses, small not-for-profit enterprises, and small governmental jurisdictions. This rule will not have a significant impact on a substantial number of small entities because it only affects one facility, the OSi Sistersville Plant in Sistersville, West Virginia. The Sistersville Plant is not a small entity. Therefore, EPA certifies that this action will not have a significant economic impact on a substantial number of small entities.

Paperwork Reduction Act

This action applies only to one company, and therefore requires no information collection activities subject to the Paperwork Reduction Act, and therefore no information collection request (ICR) will be submitted to OMB for review in compliance with the Paperwork Reduction Act, 44 U.S.C. 3501, *et seq.*

Unfunded Mandates Reform Act

Title II of the Unfunded Mandates Reform Act of 1995 (UMRA), Pub. L. 104–4, establishes requirements for Federal agencies to assess the effects of their regulatory actions on State, local, and tribal governments and the private sector. Under section 202 of the UMRA, EPA generally must prepare a written statement, including a cost-benefit analysis, for proposed and final rules with ''Federal mandates'' that may result in expenditures to State, local, and tribal governments, in the aggregate, or to the private sector, of $100 million or more in any one year. Before promulgating an EPA rule for which a written statement is needed, section 205 of the UMRA generally requires EPA to identify and consider a reasonable number of regulatory alternatives and adopt the least costly, most cost-effective or least burdensome alternative that achieves the objectives of the rule. The provisions of section 205 do not apply when they are inconsistent with applicable law. Moreover, section 205 allows EPA to adopt an alternative other than the least costly, most cost-effective or least burdensome alternative if the Administrator publishes with the final

rule an explanation of why that alternative was not adopted. Before EPA establishes any regulatory requirements that may significantly or uniquely affect small governments, including tribal governments, it must have developed under section 203 of the UMRA a small government agency plan. The plan must provide for notifying potentially affected small governments, enabling officials of affected small governments to have meaningful and timely input in the development of EPA regulatory proposals with significant Federal intergovernmental mandates, and informing, educating, and advising small governments on compliance with the regulatory requirements.

As noted above, this rule is applicable only to the OSi Sistersville Plant, located near Sistersville, West Virginia. The EPA has determined that this rule contains no regulatory requirements that might significantly or uniquely affect small governments. The EPA has also determined that this rule does not contain a Federal mandate that may result in expenditures of $100 million or more for State, local, and tribal governments, in the aggregate, or the private sector in any one year. Thus, today's rule is not subject to the requirements of sections 202 and 205 of the UMRA.

List of Subjects

40 CFR Part 264

Environmental protection, Air pollution control, Control device, Hazardous waste, Monitoring, Reporting and recordkeeping requirements, Surface impoundment, Treatment storage and disposal facility, Waste determination.

40 CFR Part 265

Environmental protection, Air pollution control, Control device, Hazardous waste, Monitoring, Reporting and recordkeeping requirements, Surface impoundment, Treatment storage and disposal facility, Waste determination.

Dated: February 26, 1998.

Carol M. Browner,

Administrator.

[FR Doc. 98–5558 Filed 3–5–98; 8:45 am]

BILLING CODE 6560–50–P

FEDERAL COMMUNICATIONS COMMISSION

47 CFR Parts 25 and 100

[FCC 98–26; IB Docket No. 98–21]

Policies and Rules for the Direct Broadcast Satellite Service

AGENCY: Federal Communications Commission.

ACTION: Notice of proposed rulemaking.

SUMMARY: The Federal Communications Commission (FCC) proposes to amend and relocate the regulations covering the Direct Broadcast Satellite (DBS) service. The notice of proposed rulemaking also asks whether the FCC should consider adopting new rules addressing horizontal concentration in the multi-channel video programming distribution (MVPD) market, such as limitations on cable/DBS cross-ownership. The actions are necessary to consolidate and harmonize the Commission's rules for satellite services and to obtain public comment on policies for the DBS service. The effect of relocating the DBS service rules is to simplify and harmonize the rules for satellite services in one part of the Commission's rules.

DATES: Submit comments on or before April 6, 1998. Submit reply comments on or before April 21, 1998. Written comments by the public on the proposed information collections are due April 6, 1998. Written comments must be submitted by the Office of Management and Budget (OMB) on the proposed information collections on or before May 5, 1998.

ADDRESSES: Send written comments and reply comments to Office of the Secretary, Federal Communications Commission, 1919 M Street, N.W., Room 222, Washington, D.C. 20554. For purposes of this proceeding, we hereby waive those provisions of our rules that require formal comments to be filed on paper, and encourage parties to file comments electronically. File electronic comments using the electronic filing interface available on the FCC's World Wide Web site at <http://dettifoss.fcc.gov:8080/cgi-bin/ws.exe/beta/ecfs/upload.hts>. Further information on the process of submitting comments electronically is available at that location and at <http://www.fcc.gov/e-file/>. In addition to filing comments with the Secretary, a copy of any comments on the information collections contained herein should be submitted to Judy Boley, Federal Communications Commission, Room 234, 1919 M Street, N.W., Washington, DC 20554, or via the Internet to jboley@fcc.gov, and to Timothy Fain, OMB Desk Officer, 10236 NEOB, 725 17th Street, N.W., Washington, DC 20503 or via the Internet to fain__t@al.eop.gov.

FOR FURTHER INFORMATION CONTACT:

Technical Information: Kim Baum, 202–418–0756

Economic Information: Doug Webbink, 202–418–1494

Legal Information: Chris Murphy, 202–418–2373

For additional information concerning the information collections contained in this Notice contact Judy Boley at 202–418–0214, or via the Internet at jboley@fcc.gov.

SUPPLEMENTARY INFORMATION:

1. The Commission is authorized to conduct this rulemaking pursuant to its statutory authority contained in the Communications Act of 1934, as amended. 47 U.S.C. 154(i), 303(v). The Commission has historically regulated direct broadcast satellite (DBS) service, which is transmitted using frequency bands that are internationally allocated to the broadcast satellite service (BSS), and direct-to-home fixed-satellite service (DTH–FSS), which is transmitted using fixed-satellite service (FSS) frequency bands, separately. The Commission rules for the DBS service are codified in 47 CFR part 100, while FSS rules, including those applicable to DTH–FSS providers, can be found in part 25. Since both DBS and DTH–FSS provide video services directly to the home via satellite, the notice of proposed rulemaking (Notice) proposes to consolidate, where possible, the DBS service and technical rules with the rules for DTH–FSS and other satellite services under part 25 and to eliminate in its entirety part 100. The Notice also proposes to move certain DBS-specific part 100 rules into part 25 and to eliminate several part 100 rules which the Commission believes are no longer needed. For instance, the Notice proposes to eliminate the part 100 rules (§§ 100.72–.80) which govern DBS auctions and to conduct DBS auctions under the general auction rules contained in part 1, subpart Q. The Notice also seeks comment on proposals to revise the DBS technical rules to conform to the Commission's experience regulating the service. The Notice further proposes to amend the Commission's part 25 rules, where necessary, in order to render them applicable, where appropriate, to DBS and DTH–FSS, as well as other satellite services.

2. In proposing to incorporate certain part 100 rules into part 25, the Notice highlights several rules of particular

importance. The Notice seeks comment on a proposal to move the existing DBS foreign ownership rules from part 100 to part 25, and asks whether the Commission should modify these rules. The Notice also seeks comment on how the Commission can strengthen its rules regarding the provision of DBS service to Alaska and Hawaii and whether it should adopt geographic service rules for Puerto Rico and other U.S. territories and possessions. Because it is the Commission's goal to promote competition in the multi-channel video programming distribution (MVPD) market generally, the Notice also seeks comment as to whether new rules addressing horizontal concentration in the MVPD market, such as limitations on cable/DBS cross-ownership, are necessary in order to prevent anti-competitive conduct in the MVPD market.

Paperwork Reduction Act of 1995

3. This Notice contains either a proposed or modified information collection. The Commission, as part of its continuing effort to reduce paperwork burdens, invites the general public and the Office of Management and Budget (OMB) to comment on the information collections contained in this Notice, as required by the Paperwork Reduction Act of 1995, Public Law 104–13. Public and agency comments are due at the same time as other comments on this Notice; OMB notification of action is due 60 days from date of publication of this Notice in the **Federal Register**. Comments should address: (a) Whether the proposed collection of information is necessary for the proper performance of the functions of the Commission, including whether the information shall have practical utility; (b) the accuracy of the Commission's burden estimates; (c) ways to enhance the quality, utility, and clarity of the information collected; and (d) ways to minimize the burden of the collection of information on the respondents, including the use of automated collection techniques or other forms of information technology.

OMB Approval Number: 3060–0678.

Title: Commission's Rules and Regulations for Satellite Application and Licensing Procedures.

Form No.: 312.

Type of Review: revision of existing collection.

Respondents: Businesses or other for profit, including small businesses, governments.

Number of Respondents: 1,320.

Estimated Time Per Response: The Commission estimates that all respondents will hire an attorney or legal assistant to complete the form. The time to retain these services is 2 hours per respondent.

Total Annual Burden: 2,640 hours.

Estimated Costs Per Respondent: This includes the charges for hiring an attorney, legal assistant, or engineer at $150 an hour to complete the submissions. The estimated average time to complete the Form 312 is 11 hours per response. The estimated average time to complete space station submissions is 20 hours per response. The estimated average time for prepare submissions using non-U.S. licensed satellites is 22 hours per response. The estimated average time to complete the ASIA submission is 24 hours per response. Earth station submissions: $2085. ($1650 for Form 312; $375 remainder of application; $60 for outside hire). Space station submissions and Non-U.S. licensed satellite filings: $4710 ($1650 for Form 312; $3000 for remainder of submission; $60 for outside hire). ASIA submissions: $3,660 ($3,600 for submission; $60 for outside hire). Fee amounts vary by type of service and application. Total fee estimates for industry: $5,997,910.00 Needs and Uses: In accordance with the Communications Act, the information collected will be used by the Commission in evaluating applications requesting authority to operate pursuant to part 25 of the Commission's rules. The information will be used to determine the legal, technical, and financial ability of the applicants and will assist the Commission in determining whether grant of such authorizations are in the public interest.

Initial Regulatory Flexbility Analysis

Pursuant to the Regulatory Flexibility Act of 1990, 5 U.S.C. 601–612, (RFA) as amended by the Contract with America Advancement Act of 1996, Public Law 104–121, 110 Stat. 847, the Commission's Initial Regulatory Flexibility Analysis with respect to this Notice of Proposed Rulemaking is as follows:

Reason for Action

This Notice of Proposed Rulemaking (Notice) proposes to streamline and harmonize the Commission's direct broadcast satellite (DBS) service rules. The Notice proposes to incorporate the DBS rules into part 25, the satellite communications part of the Commission's rules. The Notice does not envision that the relocation of the DBS service rules will substantially alter the licensing provisions for the DBS service under current part 100. The DBS service was initially developed in 1982 with the promulgation of interim rules. *Inquiry into the Development of Regulatory Policy in Regard to Direct Broadcast Satellites for the Period Following the 1983 Regional Administrative Radio Conference* (Report and Order), 90 FCC2d 676 (1982). Since 1994, DBS licensees have begun to provide service into the United States. The Notice explains that the interim rules are outmoded with respect to the application and licensing procedures and the technical parameters for existing systems. Consistent with the FCC's goals of regulating services subject to its jurisdiction in a common-sense manner and promoting competition, this rulemaking seeks to streamline and simplify the FCC's rules governing the DBS service by applying a unified Form 312 for DBS space and earth stations. For instance, The NPRM proposes to eliminate the part 100 rules (sections 100.72–.80) which govern DBS auctions and to regulate DBS auctions under the general auction rules contained in part 1, subpart Q. In proposing to incorporate certain part 100 rules into part 25, the Notice highlights two rules of particular importance. The Notice seeks comment on a proposal to move the existing DBS foreign ownership rules from part 100 to part 25 and whether the FCC should modify those rules in the event it affirms the FCC International Bureau's decision in the order authorizing MCI to construct, launch, and operate a DBS system at the 110 degrees W.L. orbital position and whether similar restrictions should apply to DTH–FSS. *MCI Telecommunications Corporation, Application for Authority to Construct, Launch and Operate a Direct Broadcast Satellite System at 110 degrees W.L.*, DA 96–1793 (1996). The Notice also seeks comment on how the FCC can strengthen the rules regarding the provision of DBS service to Alaska and Hawaii, Puerto Rico, and other U.S. territories and possessions. Because it is the FCC's goal to promote competition in the MVPD market generally, the Notice also seeks comment as to whether new rules addressing horizontal concentration in the MVPD market, such as limitations on cable/DBS cross-ownership, are necessary in order to prevent anti-competitive conduct in the DBS or MVPD markets.

Objectives

The objective of this proceeding is to streamline the DBS service rules and harmonize the regulation of the DBS service with other satellite services, where appropriate. While incorporating the DBS rules into part 25, the location of the other satellite communications service rules, the Notice seeks comment

on relocation of the foreign ownership rules of section 100.11; further measures the FCC could take to promote service to Alaska and Hawaii and other U.S. territories and possessions; comments on proposals to update the DBS technical rules; and comment on whether to adopt rules to address issues related to concentration in the multi-channel video programming distribution market. The Notice proposes that adoption of the proposed rules will reduce regulatory burdens and, with minimal disruption to existing permittees and licensees, result in the continued development of DBS and other satellite services to the public.

Legal Basis

This Notice of Proposed Rulemaking is adopted pursuant to Sections 1, 4(i), 303(r), 303(v), 307, 309(a), 309(j), 310 of the Communications Act of 1934, as amended, 47 U.S.C. 151, 154(i), 303(r), 303(v), 307, 309(a), 309(j), 310, and 5 U.S.C. 553 of the Administrative Procedures Act.

Description and Estimate of Small Entities Subject to the Rules

The Commission has not developed a definition of small entities applicable to geostationary or non-geostationary orbit fixed-satellite or direct broadcast satellite service applicants or licensees. Therefore, the applicable definition of small entity is the definition under the Small Business Administration (SBA) rules applicable to Communications Services, Not Elsewhere Classified. This definition provides that a small entity is one with $11.0 million or less in annual receipts. (13 CFR 121.201, Standard Industrial Classification (SIC) Code 4899). According to Census Bureau data, there are 848 firms that fall under the category of Communications Services, Not Elsewhere Classified which could potentially fall into the DBS category. Of those, approximately 775 reported annual receipts of $11 million or less and qualify as small entities. (U.S. Bureau of Census, U.S. Department of Commerce, 1992 Census of Transportation, Communications, Utilities, UC92–S–1, Subject Series, Establishment and Firm Size, Table 2D, Employment Size of Firms: 1992, SIC Code 4899 (issued May 1995)). The rules proposed in this Notice apply only to entities providing DBS service. Small businesses do not have the financial ability to become DBS licensees because of the high implementation costs associated with satellite services. Since this is an established service, however, with limited spectrum and orbital resources for assignment, we estimate that no more than 15 entities will be Commission licensees providing these services. Therefore, because of the high implementation costs and the limited spectrum resources, we do not believe that small entities will be impacted by this rulemaking.

Reporting, Recordkeeping, and Other Compliance Requirements

The proposed action in this Notice would affect those entities applying for DBS construction permits and licenses and those applying to participate in auctions of DBS spectrum in the future. In the case where there is not any mutual exclusivity, applicants will be required to follow the recently streamlined application procedures of part 25 for space and earth station licenses by submitting the information required by Form 312, where applicable. In the case where there is mutual exclusivity between applicants for DBS authorizations, the competitive bidding rules of part 1 will be used to determine the licensee. Applicants will have to comply with the requirement to file a short-form (FCC Form 175). Completion of short-form FCC Form 175 to participate in an auction is not estimated to be a significant economic burden for these entities. The action proposed will also affect auction winners in that it will require them to submit a long Form 312 application for authorization. This process will be required by all DBS applicants whether selected through the competitive bidding process or not.

Federal Rules That Overlap, Duplicate or Conflict With These Proposed Requirements

None. One of the main objectives of the Notice is to eliminate any existing overlap or duplication of rules between the DBS and other satellite services.

Any Significant alternatives minimizing impact on small entities and consistent with stated objectives: In developing the proposals contained in this Notice, we have attempted to minimize the burdens on all entities in order to allow maximum participation in the DBS market while achieving our other objectives. The Notice seeks comment on the impact of the proposals on small entities and on any possible alternatives that could minimize the impact of the rules on small entities. In particular, the Notice seeks comment on alternatives to the reporting, recordkeeping, and other compliance requirements.

Comments Are Solicited

Written comments are requested on this Initial Regulatory Flexibility Analysis. These comments must be filed in accordance with the same filing deadlines set for comments on the other issues in this Notice, but they must have a separate and distinct heading designating them as responses to the Regulatory Flexibility Analysis. The Office of Public Affairs, Reference Operations Division shall send a copy of this Notice to the Chief Counsel for Advocacy of the Small Business Administration in accordance with section 603(a) of the Regulatory Flexibility Act.

List of Subjects

47 CFR Part 25

Satellites.

47 CFR Part 100

Satellites.

Federal Communications Commission.

Magalie Roman Salas,

Secretary.

[FR Doc. 98–5938 Filed 3–5–98; 8:45 am]

BILLING CODE 6712–01–P

Notices

Federal Register
Vol. 63, No. 44
Friday, March 6, 1998

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

DEPARTMENT OF AGRICULTURE

Rural Housing Service

Rural Business-Cooperative Service

Rural Utilities Service

Farm Service Agency

Notice of Request for Extension of a Currently Approved Information Collection

AGENCIES: Rural Housing Service, Rural Business-Cooperative Service, Rural Utilities Service, Farm Service Agency, USDA.

ACTION: Proposed collection; comments requested.

SUMMARY: In accordance with the Paperwork Reduction Act of 1995, this notice announces the intention of the Agencies to request an extension for a currently approved information collection in support of compliance with the National Environmental Policy Act and other applicable environmental requirements.

DATES: Comments on this notice must be received by May 5, 1998 to be assured of consideration.

FOR FURTHER INFORMATION CONTACT: Richard A. Davis, Director, Program Support Staff, Rural Housing Service, U.S. Department of Agriculture, Stop 0761, 1400 Independence Ave., S.W., Washington, DC 20250–0761, Telephone (202) 720–9619.

SUPPLEMENTARY INFORMATION:

Title: 7 CFR 1940 Subpart G, ''Environmental Program.''

OMB Number: 0575–0094.

Expiration Date of Approval: June 30, 1998.

Type of Request: Extension of a currently approved information collection.

Abstract: The information collection under OMB Number 0575–0094 enables the Agencies to effectively administer the policies, methods, and responsibilities for compliance with the National Environmental Policy Act and other applicable environmental laws, executive orders, and regulations.

The National Environmental Policy Act (NEPA) requires Federal agencies to consider the potential environmental impacts of proposed major federal actions in Agency planning and decision-making processes. For the Agencies to comply, it is necessary that they have information on the types of environmental resources on site or in the vicinity that might be impacted by the proposed action, as well as information on the nature of the project selected by the applicant (the activities to be carried out at the site; any air, liquid and solid wastes produced by these activities, etc.). The applicant is the only logical source for providing this information. In fact, the vast majority of Federal Agencies that assist non-Federal applicants in sponsoring projects require these applicants to submit such environmental data.

The Agencies provide forms and/or other guidance to assist in the collection and submission of information. The information is usually submitted via hand delivery or U.S. Postal Service to the appropriate Agency office.

The information is used by the Agency officer who is processing the application for financial assistance or request for approval. Having environmental information on the proposed project site and the activities to be conducted there enables the Agency official to determine the magnitude of the potential environmental impacts and to take such impacts into consideration in Agency planning and decision-making as required by NEPA. The analysis of the potential environmental impacts of a proposed action is considered to be a full disclosure process, and therefore, can involve public information meetings and public notification.

Estimate of Burden: Public reporting burden for this collection of information is estimated to average 7.72 hours per response.

Respondents: Individuals or households, local governments, farms, business or other for-profit, nonn-profit institutions, and small businesses and organizations.

Estimated Number of Respondents: 4720.

Estimated Number of Responses per Respondent: 1.11.

Estimated Total Annual Burden on Respondents: 40,320 hours.

Copies of this information collection can be obtained from Barbara Williams, Regulations and Paperwork Management Branch, at (202) 720–9734.

Comments

Comments are invited on: (a) Whether the proposed collection of information is necessary for the proper performance of the functions of the Agencies, including whether the information will have practical utility; (b) the accuracy of Agencies estimate of the burden of the proposed collection of information including the validity of the methodology and assumptions used; (c) ways to enhance the quality, utility and clarity of the information to be collected; and (d) ways to minimize the burden of the collection of information on those who are to respond, including through the use of appropriate automated, electronic, mechanical, or other technological collection techniques or other forms of information technology.

Comments may be sent to Barbara Williams, Regulations and Paperwork Management Branch, Support Services Division, U.S. Department of Agriculture, Rural Development, STOP 0743, 1400 Independence Ave. SW, Washington, DC 20250–0743. All responses to this notice will be summarized and included in the request for OMB approval. All comments will also become a matter of public record.

Dated: February 24, 1998.

Eileen Fitzgerald,

Acting Administrator, Rural Housing Service.

Dated: February 25, 1998.

Dayton J. Watkins,

Administrator, Rural Business-Cooperative Service.

Dated: February 25, 1998.

Wally Beyer,

Administrator, Rural Utilities Service.

Dated: February 26, 1998.

Keith Kelly,

Administrator, Farm Service Agency.

[FR Doc. 98–5788 Filed 3–5–98; 8:45 am]
BILLING CODE 3410–XV–P

DEPARTMENT OF AGRICULTURE

Forest Service

Iron Honey Resource Area, Coeur d'Alene River Ranger District, Idaho Panhandle National Forests, Kootenai and Shoshone Counties, ID

AGENCY: Forest Services, USDA.

ACTION: Notice of Intent to Prepare an Environmental Impact Statement.

SUMMARY: The USDA Forest Service will prepare an environmental impact statement (EIS) to disclose the potential environmental effects of implementing aquatic, vegetative, and wildlife habitat improvement activities in the Iron Honey Resource Area on the Coeur d'Alene River Ranger District, Idaho Panhandle National Forests.

DATES: Written comments and suggestions should be received on or before April 20, 1998.

ADDRESSES: Submit written comments and suggestions on the proposal, or requests to be placed on the project mailing list, to Glenn Truscott, Project Team Leader, Coeur d'Alene River Ranger District, 2502 E. Sherman Avenue, Coeur d'Alene, ID 83814.

FOR FURTHER INFORMATION CONTACT: Glenn Truscott, Project Team Leader, Coeur d'Alene River Ranger District, (208) 769–3000.

SUPPLEMENTARY INFORMATION: The objectives of the proposal are to improve water quality, fish habitat, and riparian habitat by reducing sediment and increasing large woody debris in streams; to trend vegetative species composition toward historical levels, which included species more resistant to insects and disease; and to improve old-growth habitat.

The Forest Service will consider a range of alternatives. One of these will be the ''no action'' alternative, under which there would be no change from current management of the area. Additional alternatives will represent a range of strategies to manage natural resources in the Iron Honey Resource Area. The Idaho Panhandle National Forests Land and Resource Management Plan provides guidance for management objectives within the potentially affected area through its goals, objectives, standards and guidelines, and management area direction. Approximately 88% of National Forest System lands in the area have been allocated to Management Area 1, to provide for long-term growth and production of commercially valuable wood products on those lands that are suitable for timber production. Approximately 6% of the area is allocated to Management Area 6, to provide high quality elk summer habitat and wood products, through road management and scheduling of harvest activities. Approximately 4% is allocated to Management Area 9 to maintain and protect existing improvements and resource productive potential. Another 4% is allocated to Management Area 19, to manage for a semi-primitive recreation setting while providing low levels of timber harvest with minimum standard roads. Management Area 16 addresses streamside (riparian) areas, with primary goals of managing those areas to feature riparian-dependent resources (fish, water quality, certain vegetation and wildlife communities) while producing other resource outputs at levels compatible with the objectives for dependent resources. Inland Native Fish Strategy guidelines (USDA Forest Service, 1995) supersede Forest Plan guidelines established for riparian areas.

The public was first notified of this proposal and the intention to prepare an environmental assessment in October, 1996. Comments provided by the public and other agencies have been used to develop strategies for management of natural resources in the Iron Honey Resource Area. Based on information gathered during the environmental assessment process, it has been determined that an environmental impact statement will be prepared instead. Comments provided to date by the public will be used in preparation of the environmental impact statement. The public is encouraged to visit with Forest Service officials during the analysis and prior to the decision. The Forest Service is also seeking information, comments, and assistance from federal, state and local agencies and other individuals or organizations who may be interested in or affected by the proposed actions.

The draft environmental impact statement is expected to be filed with the Environmental Protection Agency (EPA) and available for public review in May 1998. At that time, the EPA will publish a Notice of Availability of the draft environmental impact statement in the **Federal Register**. The comment period on the draft environmental impact statement will be 45 days from the date the EPA publishes the Notice of Availability in the **Federal Register**.

The Forest Service believes it is important to give reviewers notice of several court rulings related to public participation in the environmental review process. First, reviewers of draft environmental impact statements 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 environmental impact statement stage but that are not raised until after completion of the final environmental statement may be waived or dismissed by the courts (*City of Angoon* v. *Hodel*, 803 F.2d 1016, 1022 (9th Cir. 1986) and *Wisconisn 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 scoping 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 environmental impact statement.

To assist the Forest Service in identifying and considering issues and concerns regarding the proposed action, comments on the draft environmental impact statement should be as specific as possible. It is also helpful if comments refer to specific pages or chapters of the draft environmental impact statement. Comments may also address the adequacy of the draft environmental impact statement 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.

Comments received in response to this solicitation, including names and addresses of those who comment, will be considered part of the public record on this proposed action and will be available for public inspection. Comments submitted anonymously will be accepted and considered; however, those who submit anonymous comments may not have standing to appeal the subsequent decision under 36 CFR Part 215. Additionally, pursuant to 7 CFR 1.27(d), any person may request the agency to withhold a submission from the public record by showing how the Freedom of Information Act (FOIA) permits such confidentiality. Persons requesting such confidentiality should be aware that, under the FOIA, confidentiality may be granted in only very limited circumstances, such as to protect trade secrets. The Forest Service will inform the requester of the agency's decision regarding the request for confidentiality, and where the request is denied, the

agency will return the submission and notify the requester that the comments may be resubmitted with or without name and address within a specified number of days.

I am the responsible official for this environmental impact statement. My address is Coeur d'Alene River Ranger District, 2502 E. Sherman Avenue, Coeur d'Alene, ID 83814.

Dated; February 19, 1998.

Susan Jeheber-Matthews,

District Ranger.

[FR Doc. 98–5785 Filed 3–5–98; 8:45 am]

BILLING CODE 3410–11–M

COMMITTEE FOR PURCHASE FROM PEOPLE WHO ARE BLIND OR SEVERELY DISABLED

Procurement List; Proposed Addition and Deletion

AGENCY: Committee for Purchase From People Who Are Blind or Severely Disabled.

ACTION: Proposed addition to and deletion from Procurement List

SUMMARY: The Committee has received proposals to add to the Procurement List a service to be furnished by nonprofit agencies employing persons who are blind or have other severe disabilities, and to delete a service previously furnished by such agencies.

COMMENTS MUST BE RECEIVED ON OR BEFORE: April 6, 1998.

ADDRESSES: Committee for Purchase From People Who Are Blind or Severely Disabled, Crystal Gateway 3, Suite 310, 1215 Jefferson Davis Highway, Arlington, Virginia 22202–4302.

FOR FURTHER INFORMATION CONTACT: Beverly Milkman (703) 603–7740.

SUPPLEMENTARY INFORMATION: This notice is published pursuant to 41 U.S.C. 47(a)(2) and 41 CFR 51–2.3. Its purpose is to provide interested persons an opportunity to submit comments on the possible impact of the proposed actions.

Addition

If the Committee approves the proposed addition, all entities of the Federal Government (except as otherwise indicated) will be required to procure the service 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 service to the Government.

2. The action does not appear to have a severe economic impact on current contractors for the service.

3. The action will result in authorizing small entities to furnish the service to the Government.

4. There are no known regulatory alternatives which would accomplish the objectives of the Javits-Wagner-O'Day Act (41 U.S.C. 46–48c) in connection with the service proposed for addition to the Procurement List. Comments on this certification are invited. Commenters should identify the statement(s) underlying the certification on which they are providing additional information.

The following service has been proposed for addition to Procurement List for production by the nonprofit agency listed:

Janitorial/Custodial

Walnut Creek National Wildlife Refuge, 9981 Pacific Street, Prairie City, Iowa

NPA: Progress Industries, Newton, Iowa

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 service.

3. The action will result in authorizing small entities to furnish the service to the Government.

4. There are no known regulatory alternatives which would accomplish the objectives of the Javits-Wagner-O'Day Act (41 U.S.C. 46–48c) in connection with the service proposed for deletion from the Procurement List.

The following service has been proposed for deletion from the Procurement List:

Janitorial/Custodial

U.S. Army Reserve Center, 547 Philadelphia Avenue, Reading, Pennsylvania

Beverly L. Milkman,

Executive Director.

[FR Doc. 98–5803 Filed 3–5–98; 8:45 am]

BILLING CODE 6353–01–P

COMMITTEE FOR PURCHASE FROM PEOPLE WHO ARE BLIND OR SEVERELY DISABLED

Procurement List; Deletions

AGENCY: Committee for Purchase From People Who Are Blind or Severely Disabled.

ACTION: Deletions from the Procurement List.

SUMMARY: This action deletes from the Procurement List services previously furnished by nonprofit agencies employing persons who are blind or have other severe disabilities.

EFFECTIVE DATE: April 6, 1998.

ADDRESSES: Committee for Purchase From People Who Are Blind or Severely Disabled, Crystal Gateway 3, Suite 310, 1215 Jefferson Davis Highway, Arlington, Virginia 22202–4302.

FOR FURTHER INFORMATION CONTACT: Beverly Milkman (703) 603–7740.

SUPPLEMENTARY INFORMATION: After consideration of the relevant matter presented, the Committee has determined that the services listed below are no longer suitable for procurement by the Federal Government under 41 U.S.C. 46–48c and 41 CFR 51–2.4.

I certify that the following action will not have a significant impact on a substantial number of small entities. The major factors considered for this certification were:

1. The action will not result in any additional reporting, recordkeeping or other compliance requirements for small entities.

2. The action will not have a severe economic impact on future 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 deleted from the Procurement List.

Accordingly, the following services are hereby deleted from the Procurement List:

Disposal Support Services

Defense Reutilization and Marketing Office (DRMO), Alameda, California

Janitorial/Custodial

Building 243 ''A–G'' Bay, McClellan AFB, California

Janitorial/Custodial

Border Station, Chateaugay, New York

Microfilming of EEG Records

Department of Veterans Affairs Medical Center, Buffalo, New York

Beverly L. Milkman,

Executive Director.

[FR Doc. 98–5804 Filed 3–5–98; 8:45 am]

BILLING CODE 6353–01–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 to the Commission will convene a civil rights leadership conference on ''Police-Community Relations'' and ''Enforcement of Civil Rights Laws in Massachusetts'' will convene at 9:00 a.m. and adjourn at 5:00 p.m. on Saturday, March 21, 1998, at the State House, Hearing Rooms A1 and B1, Boston, Massachusetts 02133. The purpose of the conference is to bring together subject matter experts and community leaders to address these issues.

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 ten (10) 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, March 2, 1998.

Carol-Lee Hurley,

Chief, Regional Programs Coordination Unit.

[FR Doc. 98–5861 Filed 3–5–98; 8:45 am]

BILLING CODE 6335–01–P

COMMISSION ON CIVIL RIGHTS

Agenda and Notice of Public Meeting of the Montana 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 Montana Advisory Committee to the Commission will convene at 1:00 p.m. and adjourn at 4:00 p.m. on Thursday, April 2, 1998, at the Shiloh Inn, 2020 Prospect Avenue, Helena, Montana 59601. The purpose of the meeting is to hold a discussion on Indian education issues, including update from organizations such as the Montana Indian Education Association.

Persons desiring additional information, or planning a presentation to the Committee, should contact John Dulles, Director of the Rocky Mountain Regional Office, 303–866–1400 (TDD 303–866–1049). Hearing-impaired persons who will attend the meeting and require the services of a sign language interpreter should contact the Regional Office at least ten (10) 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, March 2, 1998.

Carol-Lee Hurley,

Chief, Regional Programs Coordination Unit.

[FR Doc. 98–5860 Filed 3–5–98; 8:45 am]

BILLING CODE 6335–01–P

COMMISSION ON CIVIL RIGHTS

Agenda and Notice of Public Meeting of the Ohio 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 Ohio Advisory Committee to the Commission will convene at 9:00 a.m. and adjourn at 1:00 p.m. on Thursday, March 26, 1998, at the Riffe Tower, 77 South High Street, Room 1930, Columbus, OH 43215. The purpose of the meeting is to hold a press conference to release the Advisory Committee's report, Consultation: Focus on Affirmative Action and to discuss civil rights issues of interest and plan future activities.

Persons desiring additional information, or planning a presentation to the Committee, should contact Committee Chairperson Grace Ramos, 614–466–6715, or Constance M. Davis, Director of the Midwestern Regional Office, 312–353–8311 (TDD 312–353–8362). Hearing-impaired persons who will attend the meeting and require the services of a sign language interpreter should contact the Regional Office at least ten (10) 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, March 3, 1998.

Carol-Lee Hurley,

Chief, Regional Programs Coordination Unit.

[FR Doc. 98–5863 Filed 3–5–98; 8:45 am]

BILLING CODE 6335–01–P

COMMISSION ON CIVIL RIGHTS

Agenda and Notice of Public Meeting of the Wisconsin 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 Wisconsin Advisory Committee to the Commission will convene at 1:00 p.m. and adjourn at 5:00 p.m. on Wednesday, April 1, 1998, at the Holiday Inn, 200 Main Street, Green Bay, Wisconsin 54301. The purpose of the meeting is to hold a press conference to release the Advisory Committee's reports, Consultation: Focus on Affirmative Action and The Hmong in Green Bay: A Clash of Cultures and discuss civil rights issues of interest, and plan future activities.

Persons desiring additional information, or planning a presentation to the Committee, should contact Committee Chairperson Geraldine McFadden, 414–444–1952, or Constance M. Davis, Director of the Midwestern Regional Office, 312–353–8311 (TDD 312–353–8362). Hearing-impaired persons who will attend the meeting and require the services of a sign language interpreter should contact the Regional Office at least ten (10) 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, March 3, 1998.

Carol-Lee Hurley,

Chief, Regional Programs Coordination Unit.

[FR Doc. 98–5862 Filed 3–5–98; 8:45 am]

BILLING CODE 6335–01–P

DEPARTMENT OF COMMERCE

International Trade Administration

Submission for OMB; Comment Request

DOC has submitted to the Office of Management and Budget (OMB) for emergency clearance the following proposal for collection of information under the provisions of the Paperwork Reduction Act of 1995, Pub. L. 104–13.

Agency: International Trade Administration.

Title: Questionnaire for ITA Client Companies.

Form Number: N/A.

OMB Number: None.

Type of Review: New Collection-Emergency Submission.

Burden: 167 hours.

Number of Respondents: 500.

Avg. Hour Per Response: 20 minutes.

Needs and Uses: The Department of Commerce's International Trade Administration (ITA) provides export promotion products to help U.S. firms operate in global markets. ITA's target audience for this assistance is the small to medium size firms. The Office of Management and Budget (OMB) has recently instructed the ITA in budget passback language to conduct a study of the elasticity of the costs for these products. The ''Questionnaire for ITA Client Companies,'' collection of information will be used to: (1) Identify and gather pricing and cost data on the top revenue generating ITA products and services; (2) gather information on fee structure, cost, and key characteristics of repeat customers; and (3) develop recommendations on pricing strategies.

Affected Public: Business or other for-profit.

Frequency: Once.

Respondent's Obligation: Voluntary.

OMB Desk Officer: Dennis Marvich, (202) 395–5871.

Copies of the above information collection proposal can be obtained by calling or writing Linda Engelmeier, DOC Forms Clearance Officer, (202) 482–3272, Department of Commerce, Room 5327, 14th and Constitution Avenue, NW., Washington, DC 20230.

Written comments and recommendations for the proposed information collection should be sent to Dennis Marvich, OMB Desk Officer, Room 10202, New Executive Office Building, Washington, DC 20503.

Dated: March 2, 1998.

Madeleine Clayton,

Management Analyst, Management Control Division, Office of Management and Organization.

[FR Doc. 98–5787 Filed 3–5–98; 8:45 am]

BILLING CODE 3510–25–P

DEPARTMENT OF COMMERCE

International Trade Administration

[A–791–802]

Furfuryl Alcohol From the Republic of South Africa; Preliminary Results of Antidumping Duty Administrative Review

AGENCY: Import Administration, International Trade Administration, Department of Commerce.

ACTION: Notice of preliminary results of antidumping duty administrative review.

SUMMARY: In response to a request by the respondent, Illovo Sugar Ltd., the Department of Commerce is conducting an administrative review of the antidumping duty order on furfuryl alcohol from the Republic of South Africa. The review covers one manufacturer/exporter of the subject merchandise to the United States. The period of review is June 1, 1996, through May 31, 1997.

We preliminarily find that sales have not been made below normal value. If these preliminary results are adopted in our final results of administrative review, we will instruct the U.S. Customs Service not to assess antidumping duties on the subject merchandise exported by this company.

Interested parties are invited to comment on the preliminary results. Parties who submit case briefs in this proceeding are requested to provide, for each comment: (1) a statement of the issue; and (2) a brief summary of the argument.

EFFECTIVE DATE: March 6, 1998.

FOR FURTHER INFORMATION CONTACT: Michelle Frederick or Kris Campbell, AD/CVD Enforcement Group I, Import Administration, International Trade Administration, U.S. Department of Commerce, 14th Street and Constitution Avenue, Washington, D.C. 20230; telephone: (202) 482–0186 or 482–3813, respectively.

SUPPLEMENTARY INFORMATION:

The Applicable Statute and Regulations

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 of Commerce's (the Department's) regulations are to the regulations last codified at 19 CFR Part 353 (April 1, 1997).

Background

On June 21, 1995, the Department published in the **Federal Register** (60 FR 32302) the antidumping duty order on furfuryl alcohol from the Republic of South Africa. On June 11, 1997, the Department published a notice of ''Opportunity to Request an Administrative Review'' (62 FR 31786) of this antidumping duty order for the period June 1, 1996, through May 31, 1997. On June 27, 1997, we received a timely request for review from Illovo Sugar Ltd. (ISL). On August 1, 1997, we published the notice of initiation of this review (62 FR 41339).

We issued a questionnaire to ISL on August 5, 1997, followed by a supplemental questionnaire on January 8, 1998. On August 29, 1997, the petitioner requested that the Department determine whether the respondent absorbed antidumping duties.

Scope of Review

The merchandise covered by this order is furfuryl alcohol ($C_4H_3OCH_2OH$). Furfuryl alcohol is a primary alcohol and is colorless or pale yellow in appearance. It is used in the manufacture of resins and as a wetting agent and solvent for coating resins, nitrocellulose, cellulose acetate, and other soluble dyes. The product subject to this order is classifiable under subheading 2932.13.00 of the Harmonized Tariff Schedule of the United States (HTSUS). Although the HTSUS subheading is provided for convenience and customs purposes, our written description of the scope of this proceeding is dispositive.

Fair Value Comparisons

We compared the constructed export price (CEP) to the normal value (NV), as described in the *Constructed Export Price* and *Normal Value* sections of this notice. Pursuant to section 777A(d)(2) of the Act, we compared the CEPs of individual transactions to contemporaneous monthly weighted-average prices of sales of the foreign like product. We were able to match all subject merchandise sold during the POR to identical merchandise sold in the home market.

Constructed Export Price

For sales to the United States, we calculated a CEP as defined in section 772(b) of the Act because we determined that ISL is affiliated with its exclusive U.S. agent, Harborchem, and because the subject merchandise was sold to unaffiliated U.S. purchasers after the date of importation. Our finding that ISL and Harborchem are affiliated is consistent with our findings in the less-

than-fair-value (LTFV) investigation and the first administrative review. *See Final Determination of Sales at Less Than Fair Value: Furfuryl Alcohol from the Republic of South Africa,* 60 FR 22550, 22552 (Comment 1) (May 8, 1995), and *Notice of Final Results of Antidumping Duty Review: Furfuryl Alcohol from the Republic of South Africa,* 62 FR 61084, 61087–88 (Comment 5) (November 14, 1997) (1994–96 Final Results). We reviewed the information submitted on the record of this segment of the proceeding (*e.g.,* Exhibit A–4 of the September 9, 1997 response) and found that the facts that led to this finding in the above-cited segments have not changed. For example, this evidence indicates that ISL and Harborchem have an exclusive distributor agreement and routinely coordinate marketing and sales activity, including pricing, with respect to sales to U.S. customers.

We calculated CEP based on f.o.b. and delivered prices to unaffiliated purchasers in the United States. We made deductions, where applicable, for foreign inland movement expenses, (including foreign warehousing and warehousing insurance), domestic brokerage and handling, ocean freight, marine insurance, U.S. brokerage and handling, U.S. inland freight expenses (offset by freight revenue), U.S. warehousing and insurance, and quality testing,[1] in accordance with section 772(c)(2)(A) of the Act.

We also deducted direct selling expenses and indirect selling expenses associated with commercial activity in the United States in accordance with section 772(d)(1) of the Act. These include credit expenses, inventory carrying costs, and other indirect selling expenses.

Finally, we deducted an amount of profit allocated to direct, indirect, and imputed selling expenses associated with commercial activity in the United States in accordance with section 772(d)(3) of the Act. For a further discussion of the calculation of this profit amount, see *Memorandum from Michelle Frederick and Constance Handley to the File: Preliminary Results of 1996–97 Administrative Review of Furfuryl Alcohol from South Africa* (March 2, 1998).

No other adjustments to CEP were claimed or allowed.

Normal Value

In order to determine whether there was a sufficient volume of sales in the home market to serve as a viable basis for calculating NV, we compared ISL's volume of home market sales of the foreign like product to the volume of its U.S. sales of the subject merchandise. Pursuant to section 773(a)(1) of the Act, because ISL's aggregate volume of home market sales of the foreign like product was greater than five percent of its aggregate volume of U.S. sales of the subject merchandise, we determined that the home market was viable.

We based NV on the price at which the foreign like product was first sold for consumption in South Africa, in the usual commercial quantities, in the ordinary course of trade, and at the same level of trade as the CEP,[2] in accordance with section 773(a)(1)(B)(i) of the Act. We made deductions from the starting price for home market packing and movement expenses in accordance with sections 773(a)(6)(B)(i) and (ii) of the Act. Pursuant to section 773(a)(6)(C)(iii) of the Act, we made a circumstance-of-sale (COS) adjustment to NV by deducting home market credit expenses.

No other adjustments to NV were claimed or allowed.

Level of Trade/CEP Offset

In accordance with section 773(a)(1)(B) of the Act, to the extent practicable, we determine NV based on sales in the comparison market at the same level of trade as the U.S. sales. The NV level of trade is that of the starting-price sales in the comparison market. For CEP sales, such as those made by ISL in this review, the U.S. level of trade is the level of the constructed sale from the exporter to the importer.

To determine whether NV sales are at a different level of trade than that of the U.S. sales, we examine stages in the marketing process and selling functions along the chain of distribution between the producer and the unaffiliated customer. If the comparison-market sales are at a different level of trade and the difference affects price comparability, as manifested in a pattern of consistent price differences between the sales on which NV is based and comparison-market sales at the level of trade of the export transaction, we make a level-of-trade adjustment under section 773(a)(7)(A) of the Act. Finally, if the NV level is more remote from the factory than the CEP level and there is no basis for determining whether the difference in the levels between NV and CEP affects price comparability, we adjust NV under section 773(a)(7)(B) of the Act (the CEP-offset provision). *See Notice of Final Determination of Sales at Less Than Fair Value: Certain Cut-to-Length Carbon Steel Plate from South Africa,* 62 FR 61731, 61732 (November 19, 1997).

In implementing these principles in this review, we obtained information from ISL about the marketing stage involved in the reported U.S. and home market sales, including a description of the selling activities performed by ISL for each channel of distribution. In identifying levels of trade for CEP and home market sales, we considered the selling functions reflected in the CEP, after the deduction of expenses and profit under section 772(d) of the Act, and those reflected in the home market starting price before making any adjustments. We expect that, if claimed levels of trade are the same, the functions and activities of the seller should be similar. Conversely, if a party claims that levels of trade are different for different groups of sales, the functions and activities of the seller should be dissimilar.

The record evidence before us in this review indicates that the home market and CEP levels of trade have not changed from the 1994–96 Review.[3] Although in this review, as in prior segments of the proceeding, ISL claimed entitlement to a CEP offset, we determined that for ISL there was one home market level of trade and one U.S. level of trade (*i.e.,* the CEP level of trade), and that ISL's CEP level of trade was equivalent to the level of trade for the home market. ISL has claimed that ''a different level of trade must exist''[4] because the level-of-trade analysis does not consider the selling activities of Harborchem (the affiliated U.S. distributor). However, we find that the selling activities performed by ISL with respect to its home market and CEP sales[5] are not sufficiently different to constitute separate levels of trade. In both markets, ISL's selling activities consist primarily of order processing, marketing assistance, and technical support (including quality control

[1] Consistent with the 1994–96 Final Results (62 FR 61084, 61091 (Comment 9)), we have determined that quality testing expenses incurred by ISL are movement expenses that the company incurs upon the arrival of the subject merchandise at the U.S. port of entry. The testing is performed at the time the product is unloaded from the maritime vessel in order to detect any impurities that may have entered the product while in transit.

[2] As noted below, we found that all home market and CEP sales were made at the same level of trade.

[3] *See* 62 FR 61084, 61089–90 (Comment 7).

[4] ISL February 6, 1998, supplemental response at 26.

[5] ISL's home market and U.S. selling activities are detailed at pages 24–26 of its September 9, 1998, response and at page 25 of its February 6, 1998, response, respectively.

reports provided by ISL to Harborchem with respect to U.S. sales).

ISL claims that there is a qualitative difference in the amount of selling activities provided, since its home market sales significantly outnumber its shipments to Harborchem. However, as we stated in the 1994–96 Final Results, while we examine selling functions on both a qualitative and quantitative basis, our examination is not contingent on the number of customers nor on the number of sales for which the activity is performed.[6]

Accordingly, having determined that ISL's sales in the home market were at a level of trade that does not constitute a more advanced stage of distribution than the level of trade of the CEP, we did not make a CEP offset to NV.

Absorption of Antidumping Duties

On August 29, 1997, the petitioner requested that the Department determine whether antidumping duties have been absorbed by ISL. Since the preliminary assessment rate for the review is zero, we preliminarily determine that ISL has not absorbed antidumping duties.

Currency Conversion

We made currency conversions based on the exchange rates in effect on the dates of the U.S. sales as certified by the Federal Reserve Bank of New York. Section 773A(a) of the Act directs the Department to use a daily exchange rate in order to convert foreign currencies into U.S. dollars, unless the daily rate involves a ''fluctuation.'' In accordance with our practice, we have determined as a general matter that a fluctuation exists when the daily exchange rate differs from a benchmark by 2.25 percent. The benchmark is defined as the rolling average of rates for the past 40 business days. When we determine a fluctuation exists, we substitute the benchmark for the daily rate. *See Policy Bulletin 96–1 Currency Conversions,* 61 FR 9434 (March 8, 1996).

Preliminary Results of Review

As a result of this review, we preliminarily determine that the following margin exists for the period June 1, 1996—May 31, 1997:

Manufacturer/exporter	Margin (percent)
Illovo Sugar Ltd	0.00

Parties to the proceeding may request disclosure within five days of the date of publication of this notice. Any interested party may request a hearing within ten 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. The Department will issue a notice of the final results of this administrative review, which will include the results of its analysis of issues raised in any such briefs, within 120 days from the publication of these preliminary results.

The Department shall determine, and the Customs Service shall assess, antidumping duties on all appropriate entries. If these preliminary results are adopted in our final results, we will instruct the Customs Service not to assess antidumping duties on the merchandise subject to review. Upon completion of this review, the Department will issue appraisement instructions directly to the Customs Service.

Furthermore, the following deposit requirements will be effective upon completion of the final results of this administrative review for all shipments of furfuryl alcohol from the Republic of South Africa entered, or withdrawn from warehouse, for consumption on or after the publication date of the final results of this administrative review, as provided by section 751(a)(2)(c) of the Act: (1) the cash deposit rate for ISL will be the rate established in the final results of this review, except, if the rate is less than 0.5 percent and, therefore, *de minimis,* the cash deposit will be zero; (2) if the exporter is not a firm covered in this review, the previous review, or the original LTFV investigation, but the manufacturer is, the cash deposit rate will be the rate established for the most recent period for the manufacturer of the merchandise; and (3) if neither the exporter nor the manufacturer is a firm covered in this or any previous review conducted by the Department, the cash deposit rate will be 11.55 percent, the ''All Others'' rate established in the LTFV investigation.

These cash 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 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 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.

Dated: March 2, 1998.

Robert S. LaRussa,

Assistant Secretary for Import Administration.

[FR Doc. 98–5867 Filed 3–5–98; 8:45 am]

BILLING CODE 3510–DS–P

[6] 62 FR 61084, 61090 (Comment 7).

DEPARTMENT OF COMMERCE

International Trade Administration

[A–588–810]

Mechanical Transfer Presses From Japan; Preliminary Results of Antidumping Duty Administrative Review, and Intent To Revoke Order in Part

AGENCY: Import Administration, International Trade Administration, Department of Commerce.

ACTION: Notice of preliminary results of antidumping duty administrative review, and intent to revoke order in part; mechanical transfer presses from Japan.

SUMMARY: The Department of Commerce (the Department) is conducting an administrative review of the antidumping duty order on mechanical transfer presses (MTPs) from Japan in response to a request by petitioners, Verson Division of Allied Products Corp., the United Autoworkers of America, and the United Steelworkers of America (AFL–CIO/CLC); and by respondent Aida Engineering, Ltd. (Aida). This review covers shipments of this merchandise to the United States during the period February 1, 1996 through January 31, 1997.

We have preliminarily determined that sales have not been made below normal value (NV). If these preliminary results are adopted in our final results, we will instruct U.S. Customs to liquidate entries without regard to antidumping duties. Based on Aida's three consecutive years of *de minimis* margins, we intend to revoke the order with respect to Aida.

Interested parties are invited to comment on these preliminary results. Parties who submit argument are requested to submit with each argument: (1) A statement of the issue, and (2) a brief summary of the argument.

EFFECTIVE DATE: March 6, 1998.

FOR FURTHER INFORMATION CONTACT: Elisabeth Urfer or Maureen Flannery, Import Administration, International Trade Administration, U.S. Department of Commerce, 14th Street and Constitution Avenue, NW., Washington D.C. 20230; telephone (202) 482–4733.

Applicable Statute

Unless otherwise indicated, all citations to the statute are references to the provisions effective January 1, 1995, the effective date of the amendments made to the Tariff Act of 1930 (the Act) by the Uruguay Round Agreements Act. In addition, unless otherwise indicated, all citations to the Department's regulations are to the provisions codified at 19 CFR part 353, as they existed on April 1, 1996.

SUPPLEMENTARY INFORMATION:

Background

The Department published in the **Federal Register** an antidumping duty order on MTPs from Japan on February 16, 1990 (55 FR 5642). On February 3, 1997, we published in the **Federal Register** (62 FR 4978) a notice of opportunity to request an administrative review of the antidumping duty order on MTPs from Japan covering the period February 1, 1996 through January 31, 1997.

In accordance with 19 CFR 353.25(b)(1) and (2), Aida requested revocation of the antidumping duty order with respect to Aida, and requested that the Department conduct an administrative review of the antidumping order in accordance with § 353.22(a)(2) and § 353.25(b) of the regulations. Petitioners requested that we conduct a review of Hitachi Zosen Corporation (Hitachi Zosen) and Ishikawajima-Harima Heavy Industries Co., Ltd. (IHI). We published a notice of initiation of this antidumping duty administrative review on MTPs on March 18, 1997 (62 FR 12793).

Petitioners requested that the Department initiate an investigation of sales below the cost of production (COP) with respect to Hitachi Zosen. We concluded that an initiation of a COP investigation was not warranted. (See memorandum from Maureen Flannery to Edward Yang, ''Mechanical Transfer Presses from Japan: Allegation of Sales Below Cost for Hitachi Zosen Corp.,'' dated September 23, 1997.)

On June 16, 1997, the Petitioners withdrew their request for an administrative review with respect to IHI. IHI likewise requested that the Department terminate the administrative review on June 23, 1997. We rescinded the review with respect to IHI on November 10, 1997, and extended the preliminary results. See Mechanical Transfer Presses From Japan: Extension of Time Limits for Preliminary Results of Antidumping Duty Administrative Review, and Partial Recission of Administrative Review, 62 FR 60471. The Department is conducting this administrative review in accordance with section 751 of the Act.

Scope of Review

Imports covered by this review include MTPs currently classifiable under Harmonized Tariff Schedule (HTS) item numbers 8462.99.0035 and 8466.94.5040. The HTS numbers are provided for convenience and for U.S. Customs purposes. The written description remains dispositive of the scope of the order.

The term *mechanical transfer presses* refers to automatic metal-forming machine tools with multiple die stations in which the work piece is moved from station to station by a transfer mechanism designed as an integral part of the press and synchronized with the press action, whether imported as machines or parts suitable for use solely or principally with these machines. These presses may be imported assembled or unassembled. This review does not cover certain parts and accessories, which were determined to be outside the scope of the order. (See ''Final Scope Ruling on Spare and Replacement Parts,'' U.S. Department of Commerce, March 20, 1992; and ''Final Scope Ruling on the Antidumping Duty Order on Mechanical Transfer Presses (MTPs) from Japan: Request by Komatsu, Ltd.,'' U.S. Department of Commerce, October 1, 1996.)

This review covers two manufacturers of MTPs, and the period February 1, 1996 through January 31, 1997.

Verification

As provided in section 782(i) of the Act, we verified information provided by Aida by using standard verification procedures, including on-site inspection of the manufacturer's facilities, the examination of relevant sales and financial records, and the selection of original documentation containing relevant information. Our verification results are outlined in the public version of the verification report.

Intent To Revoke

On February 27, 1997, Aida submitted a request, in accordance with 19 CFR 353.25(b), to revoke the order covering MTPs from Japan with respect to Aida's sales of this merchandise. Aida's request was accompanied by the certification required under 19 CFR 353.25(b)(1) and the agreement to immediate reinstatement in the relevant antidumping order required under 19 CFR 353.25 (a)(2)(iii) and (b)(2).

In the two prior reviews of this order, we determined that Aida sold MTPs from Japan at not less than NV. The Department conducted a verification of Aida's response for this review and preliminarily determines that Aida sold MTPs at not less than NV during the review period. Based on Aida's three consecutive years of zero or *de minimis* margins, the above-mentioned certification, and the absence of any evidence to the contrary on the record of this review, we have preliminarily determined that it is not likely that Aida will in the future sell subject merchandise at less than NV. Therefore, if these preliminary findings are affirmed in our final results, we intend to revoke the order on MTPs from Japan with regard to Aida.

United States Price (USP)

Aida and Hitachi Zosen argue that we should use the contract prices as our starting price for MTPs under review. However, contract prices may include accessories and spare parts. Destack feeders, which are accessories, and spare and replacement parts have been found to be outside the scope of the order. Aida and Hitachi Zosen cite the *Final Determination of Sales at Less Than Fair Value: Mechanical Transfer Presses from Japan*, 55 FR 335, (January, 4, 1990), which states:

> For purposes of the final determination, we have determined that the prices charged for spare parts, tooling and other accessories associated with the basic machine which are separately identified in the contractual sales documentation should not be included in the gross price of the MTP * * *.

Hitachi Zosen argues that, for its MTP sales to the United States, the purchase order and the invoice evidence only the price for the system or set, and not discrete prices for the components, and that the parties intended to buy a press system rather than discrete machines. Aida similarly argues that, for all but one of its MTPs sold to the United States, the contracted price was a single price that included all goods and services covered by the sale. Petitioners argue that it is the Department's policy to use the price of the MTP and exclude other items that were included in the sale from its analysis. Petitioners claim that when sales documents are reviewed it appears that the price is broken down into components. At verification of Aida we found that, for one of its four sales which Aida claimed could not be

broken out, the price of the components could, in fact, be broken out; therefore, we have subtracted out the price of the destack feeder from the starting price. We also made a corresponding adjustment to constructed value (CV) to account for the cost of the destack feeder. We found that, for another MTP, the price of the spare parts could be broken out, but we could not break out the cost of the spare parts from the CV; therefore, we did not make an adjustment for that sale.

A. Aida

For sales made by Aida we calculated an export price, in accordance with section 772(a) of the Act, because the subject merchandise was sold by Aida directly to the first unaffiliated purchasers in the United States prior to importation into the United States, and constructed export price was not otherwise indicated.

We calculated export price based on the delivered or f.o.b. price to unaffiliated purchasers. We made deductions, where appropriate, for rebates, inland insurance, brokerage and handling, foreign inland freight, international freight, marine insurance, U.S. inland freight, U.S. transportation expenses, and U.S. customs duty.

B. Hitachi Zosen

For sales made by Hitachi Zosen we calculated an export price, in accordance with section 772(a) of the Act, because the subject merchandise was sold by Hitachi Zosen to unaffiliated purchasers in the United States prior to importation into the United States, and constructed export price was not otherwise indicated.

We calculated export price based on the delivered prices and ex-godown prices to unaffiliated purchasers. We made deductions for foreign inland freight and inland insurance, and, where appropriate, brokerage and handling, international freight, installation, supervision and U.S. duty in accordance with section 772(c) of the Act.

Normal Value (NV)

We preliminarily determine that the use of CV is warranted to calculate NV for Aida and Hitachi Zosen, in accordance with section 773(a)(4) of the Act. While the home market is viable, the particular market situation in this case, which requires that the subject merchandise be built to each customer's specifications, does not permit proper price-to-price comparisons in either the home market or third countries.

Aida and Hitachi Zosen assert that home, third country, and U.S. market products are distinguished by the many differences in specifications between the various presses, and that no merchandise sold in the home market or to a third country is identical to the merchandise sold to the United States. Aida and Hitachi Zosen argue that it is not possible to determine cost differences because (1) there is no baseline specification for comparison purposes; (2) the design of a press is dictated throughout by the combination of specifications applicable to the press, and it is not possible to isolate the cost effect of any single specification; and (3) differences in cost between two presses result not only from differences in specifications, but also from differences in material costs, processing costs, fiscal periods, and production efficiency from press to press.

Petitioners argue that presses may be sufficiently similar to allow for price-to-price comparisons because they are all automotive metal-forming machine tools with multiple die stations. On June 12, 1997, the Department requested additional cost information. In response to this request, Aida and Hitachi Zosen put information on the record that clearly indicated that the prices of home market and U.S. sales could not be compared. See Memorandum from Elisabeth Urfer to Edward Yang, dated March 2, 1998. We note that, in past proceedings involving large, custom-built capital equipment, including prior reviews of this order, we have normally resorted to CV. (See, *e.g.*, Large Power Transformers from France; Final Result of Antidumping Administrative Review, 61 FR 40403, August 2, 1996; Notice of Final Determination of Sales at Less Than Fair Value: Large Newspaper Printing Presses and Components Thereof, Whether Assembled or Unassembled, From Japan, 61 FR 38139, July 23, 1996; and Mechanical Transfer Presses From Japan: Final Results of Antidumping Duty Administrative Review, 62 FR 11820, March 13, 1997.)

For Aida and Hitachi Zosen, CV consists of the cost of materials and fabrication, selling, general and administrative expenses (SG&A), profit, and packing. For Aida's purchases of materials from affiliated parties, we used the higher of the transfer price or the cost of production, as provided for by Section 773(f)(3). Because the parts used in the manufacture of MTPs are custom-built, no market values were available. We calculated SG&A and profit based on home market sales of MTPs in accordance with section 773(e)(2)(A) of the Act. We did not include below cost sales in our calculation of profit (*see* below). We used packing costs for merchandise exported to the United States. For Aida, we made a circumstance-of-sale adjustment by deducting from CV home market direct selling expenses (*i.e.*, warranties, commissions, and credit), and adding to CV U.S. direct selling expenses (*i.e.*, warranties, commissions, and credit). For Hitachi Zosen, we made a circumstance-of-sale adjustment by deducting from CV home market direct selling expenses (*i.e.*, warranties), and adding to CV U.S. direct selling expenses (*i.e.*, warranties and credit). To calculate imputed U.S. credit expense, we used the dollar-denominated interest rates submitted by Hitachi Zosen and Aida.

For Aida, we disregarded below cost home market sales in making the CV profit calculation. Section 773(b)(1) provides that, whenever the Department has reasonable grounds to believe or suspect that home market sales under consideration for the determination of NV have been made at below cost prices, it shall determine whether, in fact, there were below cost sales. That provision further provides that, if below cost sales were made within an extended period of time in substantial quantities and not at prices that would recover costs within a reasonable period of time, the Department may disregard the below cost sales.

In the prior review of this order, pursuant to section 773(b)(1), the Department disregarded below cost home market sales in calculating CV profit, *i.e.*, they were disregarded in the determination of NV. Therefore, reasonable grounds exist to believe or suspect that Aida made below cost home market sales in the current review period. Section 773(b)(2)(ii). Accordingly, we requested and obtained from Aida the cost data necessary to determine whether below cost sales occurred during the period of review.

Because each MTP is custom-built, differs significantly in specifications, and is essentially a discrete model, we performed the cost test on a sale-by-sale basis. We compared the cost of each model sold in the home market to the home market price of that model. The Department found that certain home market models were sold at prices below the cost of production, and thus in substantial quantities, within an extended period of time, and at prices that do not permit recovery of cost within a reasonable period of time. Therefore, we have disregarded the below cost sales in determining CV profit.

In calculating the profit value for Aida, we have used home market sales submitted by Aida for the period encompassing the period of review and

sales contemporaneous to the U.S. sales. This was done to account for the relatively long period of time between the date when the MTP is sold and the date when it is completed for shipment.

Preliminary Results of the Review

We preliminarily determine that the following dumping margins exist:

Manufacturer/ exporter	Time period	Margin (percent)
Aida Engineering, Ltd	2/1/96–1/31/97	0.00
Hitachi Zosen Corporation ..	2/1/96–1/31/97	0.00

Parties to the 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. 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 this notice.

The Department shall determine, and the Customs Service shall assess, antidumping duties on all appropriate entries. Upon completion of this review, the Department will issue appraisement instructions directly to the Customs Service.

Furthermore, the following deposit rates will be effective upon publication of the final results of this administrative review for all shipments of MTPs from Japan entered, or withdrawn from warehouse, for consumption on or after the publication date, as provided for by section 751(a)(2)(c) of the Act: (1) The cash deposit rate for reviewed companies will be the rate established in the final results of this review; (2) for previously reviewed or investigated companies not listed above, the cash deposit rate will continue to be the company-specific rate published for the most recent period; (3) if the exporter is not a firm covered in this review, a prior review, or the original less-than-fair-value investigation, but the manufacturer is, the cash deposit rate will be the rate established for the most recent period for the manufacturer of the merchandise; and (4) for all other producers and/or exporters of this merchandise, the cash deposit rate shall be the rate established in the investigation of sales at less than fair value, which is 14.51 percent.

These deposit rates, when imposed, shall remain in effect until publication of the final results of the next administrative review.

This notice also serves as a preliminary reminder to importers of their responsibility under 19 CFR 353.25(b) 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 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.

Dated: March 2, 1998.

Robert S. LaRussa,

Assistant Secretary for Import Administration.

[FR Doc. 98–5864 Filed 3–5–98; 8:45 am]

BILLING CODE 3510–DS–P

DEPARTMENT OF COMMERCE

International Trade Administration

[A–580–807]

Polyethylene Terephthalate Film From Korea: Preliminary Results of Antidumping Duty Administrative Review and Partial Rescission of Review

AGENCY: Import Administration, International Trade Administration, Department of Commerce.

ACTION: Notice of preliminary results of antidumpting duty administrative review and partial rescission of review.

SUMMARY: In response to a request from one respondent and three U.S. producers, the Department of Commerce (the Department) is conducting an administrative review of the antidumping duty order on polyethylene terephthalate film, sheet, and strip (PET film) from the Republic of Korea. The review covers one manufacturer/exporter of the subject merchandise to the United States and the period June 1, 1996 through May 31, 1997. We preliminarily determine that SKC Limited (SKC) sold subject merchandise below normal value (NV) during the period of review. If these preliminary results are adopted in our final results of review, we will instruct the U.S. Customs Service to assess antidumping duties based on the difference between the United States Price and NV. STC Corporation (STC) made no sales or shipments during the POR. Accordingly, we are resinding the review with respect to STC.

Interested parties are invited to comment on these preliminary results. Parties who submit argument in this proceeding are requested to submit with the argument (1) a statement of the issue and (2) a brief summary of the argument (no longer than five pages, including footnotes).

EFFECTIVE DATE: March 6, 1998.

FOR FURTHER INFORMATION CONTACT: Michael J. Heaney or Linda Ludwig, AD/CVD Enforcement Group III, Office 8, Import Administration, International Trade Administration, U.S. Department of Commerce, 14th Street and Constitution Avenue, N.W., Washington, D.C. 20230; telephone (202) 482–4475/3833.

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, codified at 19 CFR Part 353 (1997).

SUPPLEMENTARY INFORMATION:

Background

The Department published an antidumping duty order on PET film from the Republic of Korea on June 5, 1991 (56 FR 25660). On June 23, 1997, the petitioners, E.I. DuPont Nemours & Co., Inc., Hoescht Celanese Corporation, and ICI Americas, Inc. requested reviews of SKC, and STC. On June 27, 1997, SKC requested an administrative review of its sales. We published a notice of initiation of the review on August 1, 1997 (62 FR 41339).

In its June 27, 1997 request for review, SKC requested revocation pursuant to 19 CFR 353.25(b). We are not considering SKC's request for revocation at this time because SKC has not sold the subject merchandise at not less than fair value for three consecutive years.

In response to our request for information, STC reported that it had no sales or shipments during the period of review. On November 25, 1997, the Department sent a no-shipment inquiry regarding STC to the U.S. Customs Service. Customs did not report any shipments by STC during the POR.

Accordingly, we are rescinding the review with respect to STC.

Scope of the Review

Imports covered by this review are shipments of all gauges of raw, pretreated, or primed polyethylene terephthalate film, sheet, and strip, whether extruded or coextruded. The films excluded from this review are metallized films and other finished films that have had at least one of their surfaces modified by the application of a performance-enhancing resinous or inorganic layer of more than 0.00001 inches (0.254 micrometers) thick. Roller transport cleaning film which has at least one of its surfaces modified by the application of 0.5 micrometers of SBR latex has also been ruled as not within the scope of the order.

PET film is currently classifiable under Harmonized Tariff Schedule (HTS) subheading 3920.62.00.00. The HTS subheading is provided for convenience and for U.S. Customs purposes. The written description remains dispositive as to the scope of the product coverage.

The review covers the period June 1, 1996 through May 31, 1997. The Department is conducting this review in accordance with section 751 of the Act, as amended.

Fair Value Comparisons

To determine whether sales of PET film in the United States were made at less than fair value, we compared USP to the NV, as described in the ''United States Price'' and ''Normal Value'' sections of this notice. In accordance with section 777A(d)(2) of the Act, we calculated monthly weighted-average prices for NV and compared these to individual U.S. transactions.

United States Price (USP)

In calculating USP, the Department treated SKC's sales as export price (EP) sales, as defined in section 772(a) of the Act, when the merchandise was sold to unaffiliated U.S. purchasers prior to the date of importation. The Department treated SKC's sales as constructed export price (CEP) sales, as defined in section 772(b) of the Act, when the merchandise was sold to unaffiliated U.S. purchasers after importation.

EP was based on the delivered, or c.i.f. U.S. port, packed prices to unaffiliated purchasers in the United States. We made adjustments, where applicable, for Korean and U.S. brokerage charges, Korean and U.S. inland freight, ocean freight, U.S. duties, and rebates in accordance with section 772(c) of the Act. We made an addition to EP for duty drawback pursuant to section 772(c)(1)(B) of the Act.

CEP was based on the delivered, packed prices to unaffiliated purchasers in the United States. We made adjustments, where applicable, for Korean and U.S. brokerage charges, Korean and U.S. inland freight, ocean freight, rebates, U.S. duties and rebates, in accordance with section 772(c) of the Act. We made an offset to interest expense and adjustments for post-sale cost and quantity adjustments that were not reflected in the gross price. Pursuant to section 772(c)(1)(B) of the Act, we made an addition to CEP for duty drawback. In accordance with section 772(d)(1) of the Act, we made deductions for selling expenses associated with economic activities in the United States, including warranties, credit, bank charges, and indirect selling expenses. Pursuant to section 772(d)(3) of the Act, the price was further reduced by an amount for profit to arrive at the CEP.

With respect to subject merchandise to which value was added in the United States by SKC prior to sale to unaffiliated customers, we deducted the cost of further manufacturing in accordance with section 772(d)(2) of the Act.

Normal Value

In order to determine whether there were sufficient sales of PET film in the home market (HM) to serve as a viable basis for calculating NV, we compared the volume of home market sales of PET film to the volume of PET film sold in the United States, in accordance with section 773(a)(1)(C) of the Act. SKC's aggregate volume of HM sales of the foreign like product was greater than five percent of its respective aggregate volume of U.S. sales of the subject merchandise. Therefore, we have based NV on HM sales.

Based on the fact that the Department had disregarded sales in the fourth administrative review because they were made below the cost of production (COP), the Department initiated a sales-below-cost of production (COP) investigation for SKC in accordance with section 773(b) of the Act. (The fourth administrative review was the most recently completed review at the time that we issued our antidumping questionnaire.)

We performed a model-specific COP test in which we examined whether each HM sale was priced below the merchandise's COP. We calculated the COP of the merchandise using SKC's cost of materials and fabrication for the foreign like product, plus amounts for home market general expenses and packing costs in accordance with section 773(b)(3) of the Act. We allocated yield losses equally between A-Grade and B-grade film because these grades have identical production costs. This is consistent with the methodology employed in past reviews of this case. (*See e.g.*, Polyethylene Terephthalate Film, Sheet and Strip from the Republic of Korea; Final Results of Antidumping Duty Administrative Review, 62 FR 38064, (July 16, 1997).)

In accordance with section 773(b)(1) of the Act, in determining whether to disregard home market sales made at prices below COP, we examined whether such sales were made within an extended period of time in substantial quantities, and whether such sales were made at prices which would permit recovery of all costs within a reasonable period of time.

Pursuant to section 773(b)(2)(C) of the Act, where less than 20 percent of a respondent's sales of a given model were at prices less than COP, we did not disregard any below-cost sales of that model because these below-cost sales were not made in substantial quantities. We found that, for certain models of PET film, 20 percent or more of the home market sales were sold at below-cost prices. Where 20 percent or more of a respondent's home market sales of a given model were at prices less than the COP, we disregarded the below-cost sales because such sales were found to be made (1) in substantial quantities within the POR (*i.e.*, within an extended period of time) and (2) at prices which would not permit recovery of all costs within a reasonable period of time, in accordance with section 773(b)(2)(D) of the Act (*i.e.*, the sales were made at prices below the weighted-average per unit COP for the POR). We used the remaining above-cost sales as the basis of determining NV if such sales existed, in accordance with section 773(b)(1).

On January 8, 1998 the U.S. Court of Appeals for the Federal Circuit issued a decision in *Cemex* v. *United States*, WL 3626 (Fed.Cir). In that case, based on the pre-URAA version of the Act, the Court discussed the appropriateness of using constructed value (CV) as the basis for foreign market value when the Department finds foreign market sales to be outside ''the ordinary course of trade.'' This issue was not raised by any party in this proceeding. However, the URAA amended the definition of sales outside the ''ordinary course of trade'' to include sales below cost. *See* Section 771(15) of the Act. consequently, the Department has reconsidered its practice in accordance with this court decision and has determined that it would be inappropriate to resort

directly to CV, in lieu of foreign market sales, as the basis for NV if the Department finds foreign market sales of merchandise identical or most similar to that sold in the United States to be outside the ''ordinary course of trade.'' Instead, the Department will use sales of similar merchandise, if such sales exist. The Department will use CV as the basis for NV only when there are no above-cost sales that are otherwise suitable for comparison. Therefore, in this proceeding, when making comparisons in accordance with section 771(16) of the Act, we considered all products sold in the home market as described in the ''Scope of Investigation'' section of this notice, above, that were in the ordinary course of trade for purposes of determining appropriate product comparisons to U.S. sales. Where there were no sales of identical merchandise in the home market made in the ordinary course of trade to compare to U.S. sales, we compared U.S. sales to sales of the most similar foreign like product made in the ordinary course of trade, based on the information provided by SKC in response to our antidumping questionnaire. We have implemented the Court's decision in this case to the extent that the data on the record permitted.

In accordance with section 773(e)(1) of the Act, we calculated CV based on the sum of the respondent's cost of materials, fabrication, and general expenses. We allocated yield losses equally between A-grade and B-grade film. In accordance with section 773(e)(2)(A) of the Act, we based selling, general, and administrative (SG&A) expenses and profit on the amounts incurred and realized by SKC in connection with the production and sale of the foreign like product in the ordinary course of trade for consumption in the foreign country. For selling expenses, we used the weighted-average HM selling expenses. Pursuant to section 773(e)(3) of the Act, we included U.S. packing.

In accordance with section 773(a)(6), we adjusted NV, where appropriate, by deducting home market packing expenses and adding U.S. packing expenses. We also adjusted NV for credit expenses. When NV was based upon home market sales, we made an adjustment for inland freight. For SKC's local export sales, we also made an addition to home market price for duty drawback. For comparisons to EP, we made an addition to NV for U.S. warranty and credit expenses as circumstance-of-sale adjustments pursuant to section 773(a)(6)(C) of the Act.

Level of Trade and CEP Offset

In accordance with section 773(a)(1)(B)(i) of the Act, to the extent practicable, we determine NV based on sales in the comparison market at the same level of trade (''LOT'') as the EP or CEP transaction. The NV LOT is that of the starting price sales in the comparison market or, when NV is based on CV, that of the sales from which we derive SG&A expenses and profit. For EP, the US LOT is also the level of the starting price sale, which is usually from the exporter to the importer. For CEP, it is the level of the constructed sale from the exporter to the importer.

To determine whether NV sales are at a different LOT than EP or CEP, we examine stages in the marketing process and selling functions along the chain of distribution between the producer and the unaffiliated customer. If the comparison market sales are at a different LOT, and the difference affects price comparability, as manifested in a pattern of consistent price differences between the sales on which NV is based and comparison market sales at the LOT of the export transaction, we make a LOT adjustment under section 773(a)(7)(A) of the Act. Finally, for CEP sales, if the NV level is more remote from the factory than the CEP level and there is no basis for determining whether the differences in the levels between NV and CEP affects price comparability, we adjust NV under section 773(A)(7)(B) of the Act (the CEP offset provision). (*See e.g.*, Certain Carbon Steel Plate from South Africa, Final Determination of Sales at Less Than Fair Value, 62 FR 61731 (November 19, 1997).)

In implementing these principles in this review, we asked SKC to identify the specific differences and similarities in selling functions and/or support services between all phases of marketing in the home market and the United States. SKC identified two channels of distribution in the home market: (1) wholesalers/distributors and (2) end-users. For both channels, SKC performs similar selling functions such as market research and after-sales warranty services. Because channels of distribution do not qualify as separate levels of trade when the selling functions performed for each customer class are sufficiently similar, we determined that there exists one level of trade for SKC's home market sales.

For the U.S. market, SKC reported two LOTs: (1) EP sales made directly to its U.S. customers, and (2) CEP sales made through Sunkyong America Ltd., SKC's wholly owned U.S. subsidiary (CEP sales). The Department examined the selling functions performed by SKC for both EP and CEP sales. These selling functions included customer sales contacts (i.e., visiting current or potential customers receiving orders, promotion of new products, collection of unpaid invoices), technical services, inventory maintenance, and or business system development. We found that SKC provided a greater degree of these services on EP sales than it did on CEP sales, and that the selling functions were sufficiently different to warrant two separate LOTs in the United States.

When we compared EP sales to home market sales, we determined that both sales were made at the same LOT. For both EP and home market transactions, SKC sold directly to the customer, and provided similar levels of customer sales contacts, technical services, inventory maintenance and business system development. For CEP sales, SKC performed fewer customer sales contacts, technical services, inventory maintenance, and computer legal, audit and business system development. In addition, the differences in selling functions performed for home market and CEP transactions indicates that home market sales involved a more advanced stage of distribution than CEP sales.

Because we compared these CEP sales to HM sales at a different level of trade, we examined whether a level-of-trade adjustment may be appropriate. In this case SKC sold at one level of trade in the home market; therefore, there is no basis upon which SKC has demonstrated a pattern of consistent price differences between levels of trade. Further, we do not have the information which would allow us to examine pricing patterns of SKC's sales of other similar products, and there are no other respondent's or other record evidence on which such an analysis could be based.

Because the data available do not provide an appropriate basis for making a level-of-trade adjustment but the level of trade in Korea for SKC is at a more advanced stage than the level of trade of the CEP sales, a CEP offset is appropriate in accordance with section 773(a)(7)(B) of the Act, as claimed by SKC. We based the CEP offset amount on the amount of home market indirect selling expenses, and limited the deduction for HM indirect selling expenses to the amount of indirect selling expenses deducted from CEP in accordance with section 772(d)(1)(D) of the Act. We applied the CEP offset to NV, whether based on home market prices or CV.

Preliminary Results of Review

We preliminarily determine that a margin of 6.83 percent exists fro SKC for the period June 1, 1996 through May 31, 1997. Parties to this proceeding may request disclosure within five days of publication of this notice and any interested party may request a hearing within 10 days of publication. Any hearing, if requested, will be held 44 days after the date of publication, or the first working day thereafter. Interested parties may submit case briefs and/or written comments no later than 30 days after the date of publication. Rebuttal briefs and rebuttals to written comments, limited to issues raised in such briefs or comments, may be filed no later than 37 days after the date of publication. The Department will publish the final results of this administrative review, which will include the results of its analysis of issues raised in any such written comments or at a hearing, within 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 have calculated importer-specific ad valorem duty assessment rates based on the total amount of dumping margins calculated for the examined sales during the POR to the total customs of the sales used to calculate these duties. These rates will be assessed uniformly on all entries made during the POR. (This is equivalent to dividing the total amount of antidumping duties, which are calculated by taking the difference between statutory NV and statutory EP or CEP, by the total statutory EP or CEP of the sales compared, and adjusting the average differences between EP or CEP and the entered value for all merchandise entered during the POR.) The Department will issue appraisement instructions directly to Customs. The final results of this review shall be the basis for the assessment of antidumping duties on entries of merchandise covered by the determination and for future deposits of estimated duties.

Furthermore, the following deposit requirements will be effective upon completion of the final results of these administrative reviews for all shipments of PET film from the Republic of Korea entered, or withdrawn from warehouse, for consumption on or after the publication date of the final results of these administrative reviews, as provided by section 751(a)(1) of the Act: (1) the cash deposit rate for reviewed firms will be the rate established in the final results of administrative review; (2) for merchandise exported by manufacturers or exporters not covered in these reviews but covered in the original less-than-fair-value (LTFV) investigation or a 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 these reviews, or the original investigation, but the manufacturer is, the cash deposit rate will be that established for the manufacturer of the merchandise in the final results of these reviews, or the LTFV investigation; and (4) if neither the exporter nor the manufacturer is a firm covered in these or any previous reviews, the cash deposit rate will be 21.5%, the ''all others'' rate established in the LTFV investigation.

This notice also serves as a preliminary reminder to importers of their responsibility under 19 CFR 353.26(b) to file a certificate regarding the reimbursement of antidumping duties prior to liquidation of the relevant entries during these review periods. 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 administrative review and notice are in accordance with section 751(a)(1) of the Act (19 U.S.C. 1675(a)(1)).

Dated: March 2, 1998.

Robert S. LaRussa,

Assistant Secretary for Import Administration.

[FR Doc. 98–5866 Filed 3–5–98; 8:45 am]

BILLING CODE 3510–DS–M

DEPARTMENT OF COMMERCE

International Trade Administration

[A–485–602]

Tapered Roller Bearings and Parts Thereof, Finished or Unfinished, From Romania; Preliminary Results of Antidumping Administrative Review

AGENCY: Import Administration, International Trade Administration, Department of Commerce.

ACTION: Notice of preliminary results of Antidumping Duty Administrative Review.

SUMMARY: In response to requests by the petitioner, The Timken Company (''Timken''), and the respondent, Tehnoimportexport, S.A. (''TIE''), the Department of Commerce (''the Department'') is conducting an administrative review of the antidumping duty order on tapered roller bearings and parts thereof, finished or unfinished (''TRBs''), from Romania. The review covers shipments of the subject merchandise to the United States during the period June 1, 1996, through May 31, 1997.

Interested parties are invited to comment on these preliminary results. Parties who submit arguments are requested to submit with each argument (1) a statement of the issue and (2) a brief summary of the argument.

EFFECTIVE DATE: March 6, 1998.

FOR FURTHER INFORMATION CONTACT: Carrie Blozy or Rick Johnson, Office of Antidumping and Countervailing Duty Enforcement, Import Administration, International Trade Administration, U.S. Department of Commerce, 14th Street and Constitution Avenue, N.W., Washington, D.C. 20230; telephone: (202) 482–0374 or (202) 482–0165.

SUPPLEMENTARY INFORMATION:

Applicable Statute

Unless otherwise indicated, all citations to the Tariff Act of 1930, as amended (the Act), are 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 19 CFR Part 353, as they existed on April 1, 1996.

Background

On June 19, 1987, the Department published in the **Federal Register** (52 FR 23320) the antidumping duty order on TRBs from Romania. On June 11, 1997, the Department published in the **Federal Register** (62 FR 31786, 31787) a notice of opportunity to request an administrative review of this antidumping duty order. On June 30, 1997, the Department received requests from the petitioner and the respondent to conduct an administrative review of TIE. On August 1, 1997, in accordance with 19 CFR 353.22(c), we published the notice of initiation of this antidumping administrative review in the **Federal Register** (62 FR 41340).

Scope of This Review

Imports covered by this review are shipments of TRBs from Romania. These products include flange, take-up cartridge, and hanger units incorporating tapered roller bearings, and tapered roller housings (except pillow blocks) incorporating tapered rollers, with or without spindles, whether or not for automotive use. This merchandise is currently classifiable

under Harmonized Tariff Schedule (HTS) item numbers 8482.20.00, 8482.91.00, 8482.99.30, 8483.20.40, 8483.30.40, and 8483.90.20. Although the HTS item numbers are provided for convenience and Customs purposes, the written description of the scope of this order remains dispositive.

Separate Rates

To establish whether a company is sufficiently independent to be entitled to a separate rate, the Department analyzes each exporting entity under the test established in the *Final Determination of Sales at Less Than Fair Value: Sparklers from the People's Republic of China,* 56 FR 20588 (May 6, 1991) (''*Sparklers*''), as amplified by the *Final Determination of Sales at Less Than Fair Value: Silicon Carbide from the People's Republic of China,* 59 FR 22585 (May 2, 1994) (''*Silicon Carbide*''). Under this policy, exporters in non-market-economy (''NME'') countries are entitled to separate, company-specific margins when they can demonstrate an absence of government control, both in law and in fact, with respect to exports. Evidence supporting, though not requiring, a finding of *de jure* absence of government control includes: (1) an absence of restrictive stipulations associated with an individual exporter's business and export licenses; (2) any legislative enactments decentralizing control of companies; and (3) any other formal measures by the government decentralizing control of companies. *De facto* absence of government control with respect to exports is based on four criteria: (1) whether the export prices are set by or subject to the approval of a government authority; (2) whether each exporter retains the proceeds from its sales and makes independent decisions regarding the disposition of profits or financing of losses; (3) whether each exporter has autonomy in making decisions regarding the selection of management; and (4) whether each exporter has the authority to negotiate and sign contracts.

We have found that the evidence on the record demonstrates an absence of government control, both in law and in fact, with respect to TIE according to the criteria established in *Sparklers* and *Silicon Carbide.* For a further discussion of the Department's preliminary determination that TIE is entitled to a separate rate, see *Memorandum to Edward Yang, Director, Office IX, AD/CVD Enforcement, Import Administration, dated March 2, 1998: Antidumping Administrative Review of Tapered Roller Bearings from Romania: Assignment of a Separate Rate for Tehnoimportexport, S.A. in the 1996/97 review,* which is on file in the Central Records Unit (room B099 of the Main Commerce Building).

Export Price

For sales made by TIE, the Department used export price, in accordance with section 772(a) of the Act, in calculating U.S. price. We calculated export price based on the price to unrelated purchasers. We made adjustments, where appropriate, for foreign inland freight and ocean freight. We used surrogate information from Indonesia to value foreign inland freight for reasons explained in the ''Normal Value'' section of this notice.

Normal Value

For merchandise exported from an NME country, section 773(c)(1) of the Act provides that the Department shall determine Normal Value (''NV'') using factors of production methodology if available information does not permit the calculation of NV using home market or third country prices under section 773(a) of the Act. In every case conducted by the Department involving Romania, Romania has been treated as an NME country. None of the parties to this proceeding has contested such treatment in this review. Accordingly, we calculated NV in accordance with section 773(c) of the Act and 19 CFR 353.52. In accordance with section 773(c)(3) of the Act, the factors of production utilized in producing TRBs include, but are not limited to (a) hours of labor required, (b) quantities of raw materials employed, (c) amounts of energy and other utilities consumed, and (d) representative capital cost, including depreciation. In accordance with section 773(c)(4) of the Act, the Department valued the factors of production, to the extent possible, using the prices or costs of factors of production in a market economy country that is (a) at a level of economic development comparable to that of Romania, and (b) a significant producer of comparable merchandise.

We determined that Indonesia is at a level of economic development comparable to that of Romania. We also found that Indonesia is a producer of bearings. Therefore, we have selected Indonesia as the surrogate country. For a further discussion of the Department's selection of a surrogate country, see *Memorandum to the File: Antidumping Administrative Review of Tapered Roller Bearings from Romania: Selection of a Surrogate Country in the 1996/97 Review,* dated March 2, 1998, which is on file in the Central Records Unit (room B099 of the Main Commerce Building).

For purposes of calculating NV, we valued the Romanian factors of production as follows:

- When materials used to produce TRBs were imported into Romania from market economy countries, we used the import price to value the material input. To value all other direct materials used in the production of TRBs, we used the import value per metric ton of these materials into Indonesia as published in the Indonesian *Foreign Trade Statistical Bulletin—Imports* and adjusted, as appropriate, with the wholesale price index inflator to place these values on an equivalent basis for the period of review (''POR''). With two exceptions, the data used for all material inputs was taken from the period January 1996 through December 1996. For cold-rolled sheet for cages, the only available data was from the period January 1995 through November 1995, and for hot-rolled steel bars, the only available data was from the period January 1996 through February 1996. Additionally, for hot-rolled rods, we adjusted the material input value to exclude imports into Indonesia of insignificant quantities and imports from known non-producers of bearing quality steel. For transportation distances used for the calculation of freight expenses on raw materials, we added to surrogate values from Indonesia a surrogate freight cost using the shorter of (a) the distance between the closest Indonesian port and the factory, or (b) the distance between the actual supplier and the factory. *See Notice of Final Determination of Sales at Less Than Fair Value: Collated Roofing Nails From the People's Republic of China,* 62 FR 51410 (October 1, 1997). We used freight rates obtained from a cable from the U.S. Embassy in Jakarta, Indonesia to the Department for use in the preliminary determination of the antidumping duty investigation of *Certain Carbon Steel Butt-Weld Pipe Fittings from the People's Republic of China,* dated September 9, 1991.
- For direct labor, we used the Indonesian average daily wages and hours worked per week for the iron and steel basic industries reported in the 1994 *Special Supplement to the Bulletin of Labour Statistics,* published by the International Labour Office. For indirect labor, we used the supervisory labor rates used in the *Final Determination of Sales at Less than Fair Value; Disposable Pocket Lighters from the People's Republic of China,* 60 FR 22359 (May 5, 1995), which were calculated based on information contained in *Doing Business in Indonesia* (1991).

This rate is not industry-specific but, rather, represents a general estimate of supervisory labor in Indonesia. We have adjusted these wages, based on the wholesale price index inflator, for the POR.

• For factory overhead, selling, general and administrative expenses, and profit, we could not find values for the bearings industry in Indonesia. Therefore, we used a publicly available 1996 financial statement of P.T. Jaya Pari Steel Ltd, an Indonesian producer engaged in the iron and steel making industry, an industry comparable to TRBs, which was recently used in the *Final Results of Antidumping Duty Administrative Reviews; Antifriction Bearings (Other Than Tapered Roller Bearings) and Parts Thereof from France, Germany, Italy, Japan, Romania, Singapore, Sweden and the United Kingdom,* 62 FR 54043 (October 17, 1997).

• To value packing materials, when materials used to package TRBs were imported into Romania from market-economy countries, we used the import prices to value the material input. To value all other packing materials, we used the import value per metric ton of these materials for the period January 1996 through December 1996 (and adjusted with the wholesale price index inflator to place these values on an equivalent basis for the POR), as published in the Indonesian *Foreign Trade Statistical Bulletin—Imports.* We adjusted these values to include freight costs incurred using the shorter of (a) the distance between the closest Indonesian port and the factory, or (b) the distance between the actual supplier and the factory.

• To value foreign inland freight, we used freight rates obtained from a cable from the U.S. Embassy in Jakarta, Indonesia, as indicated above. For a complete description of these adjustments, *see TIE Analysis Memorandum for the Preliminary Results,* dated March 2, 1998, at pg. 1.

Currency Conversion

We made currency conversions in accordance with Section 773A(a) of the Act. For currency conversions involving the Indonesian Rupiah, we used exchange rates published by the International Monetary Fund in *International Financial Statistics.* For all other conversions, we used daily exchange rates published by the Federal Reserve.

Preliminary Results of the Review

As a result of our review, we preliminarily determine that the following margin exists:

Exporter	Time period	Margin (percent)
Tehnoimportexport, S.A.	6/1/96–5/31/97	0.86

Parties to the 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. 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, within 120 days after the date of publication of these preliminary results.

The Department shall determine, and the Customs Service shall assess, antidumping duties on all appropriate entries. The Department will issue appraisement instructions directly to the U.S. Customs Service.

Furthermore, the following deposit requirements will be effective upon publication of the final results of this administrative review for all shipments of TRBs from Romania entered, or withdrawn from warehouse, for consumption on or after the publication date, as provided for by section 751(a)(2)(c) of the Act: (1) The cash deposit rate for TIE will be the rate we determine in the final results of review; (2) for all other Romanian exporters, the cash deposit rate will be the Romania-wide rate made effective by the amended final results of the 1994–95 administrative review (*see Tapered Roller Bearings and Parts Thereof, Finished or Unfinished, from Romania; Amendment of Final Results of Antidumping Duty Administrative Review,* 61 FR 59416 (November 22, 1996)); (3) for non-Romanian exporters of subject merchandise from Romania, the cash deposit rate will be the rate applicable to the Romanian supplier of that exporter. 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 19 CFR 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 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 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.

Dated: March 2, 1998.

Robert S. LaRussa,

Assistant Secretary for Import Administration.

[FR Doc. 98–5865 Filed 3–5–98; 8:45 am]

BILLING CODE 3510–DS–P

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

[I.D. 022798A]

Gulf of Mexico Fishery Management Council; Public Meetings

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

ACTION: Notice of public meeting.

SUMMARY: The Gulf of Mexico Fishery Management Council (Council) will convene a public meetings of the Coastal Migratory Pelagics (Mackerel) Stock Assessment Panel (MSAP).

DATES: The meetings will begin at 1:00 p.m. on Monday, March 23, 1998 and will conclude by Friday, March 27, 1998.

ADDRESSES: The meeting will be held at NMFS Southeast Fisheries Science Center, 75 Virginia Beach Drive, Miami, FL.

Council address: Gulf of Mexico Fishery Management Council, 3018 U.S. Highway 301 North, Suite 1000, Tampa, FL 33619

FOR FURTHER INFORMATION CONTACT: Dr. Richard Leard, Senior Fishery Biologist; telephone: 813–228–2815.

SUPPLEMENTARY INFORMATION: The MSAP will review stock assessments for the Gulf and Atlantic migratory groups of king and Spanish mackerel. The MSAP will also consider available information including but not limited to commercial and recreational catches, natural and fishing mortality estimates, recruitment, fishery-dependent and fishery-independent data, and data needs. These analyses will be used to determine the condition of the stocks and the levels of acceptable biological catch for the 1998–99 fishing year.

Although other issues not contained in this agenda may come before the Panel for discussion, in accordance with the Magnuson-Stevens Fishery Conservation Act, those issues may not be the subject of formal action during these meetings. Action will be restricted to those issues specifically identified in the agenda listed in this notice.

Special Accommodations

These meetings are physically accessible to people with disabilities. Requests for sign language interpretation or other auxiliary aids should be directed to Anne Alford at the Council (see **ADDRESSES**) by March 16, 1998.

Dated: March 2, 1998.

Bruce C. Morehead,

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

[FR Doc. 98–5765 Filed 3–5–98; 8:45 am]

BILLING CODE 3510–22–F

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

[I.D. 022798B]

Gulf of Mexico Fishery Management Council; Public Meetings

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

ACTION: Notice of public meetings.

SUMMARY: The Gulf of Mexico Fishery Management Council (Council) will convene public meetings of the Socioeconomic Panel (SEP).

DATES: A joint meeting of the SEP Coastal Pelagics Subgroup and the Coastal Migratory Pelagics (Mackerel) Stock Assessment Panel will be held beginning at 1:00 p.m. on Monday, March 23, 1998 and will continue through Tuesday, March 24, 1998. On Wednesday, March 25, the entire SEP will hold their meeting, which will conclude by 5:00 p.m. on Thursday, March 26, 1998.

ADDRESSES: The joint meeting will be held at NMFS Southeast Fisheries Science Center, 75 Virginia Beach Drive, Miami, FL. The separate SEP meeting will be held at the Club Hotel & Suites by Doubletree, 100 SE 4th Street, Miami, FL.

Council address: Gulf of Mexico Fishery Management Council, 3018 U.S. Highway 301 North, Suite 1000, Tampa, FL 33619

FOR FURTHER INFORMATION CONTACT: Antonio B. Lamberte, Economist; telephone: 813–228–2815.

SUPPLEMENTARY INFORMATION: The SEP members will meet to review available social and economic information on the Gulf migratory group of king and Spanish mackerels and to determine the social and economic implications of the levels of acceptable biological catches recommended by the Council's Mackerel Stock Assessment Panel. The SEP may recommend to the Council total allowable catch levels for the 1998–99 fishing year. In addition, the SEP will address certain issues related to the assessment of regulatory impacts on fishing communities.

Although other issues not contained in this agenda may come before the Panel for discussion, in accordance with the Magnuson-Stevens Fishery Conservation Act, those issues may not be the subject of formal action during these meetings. Action will be restricted to those issues specifically identified in the agenda listed in this notice.

A copy of the agenda can be obtained by contacting the Gulf Council (see **ADDRESSES**).

Special Accommodations

These meetings are physically accessible to people with disabilities. Requests for sign language interpretation or other auxiliary aids should be directed to Anne Alford at the Council (see **ADDRESSES**) by March 16, 1998.

Dated: March 2, 1998.

Bruce C. Morehead,

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

[FR Doc. 98–5766 Filed 3–5–98; 8:45 am]

BILLING CODE 3510–22–F

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

[I.D. 030298B]

Endangered Species; Permits

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

ACTION: Receipt of applications for a scientific research permit (1122, 1137) and modifications to permits 948 and 994.

SUMMARY: Notice is hereby given that the Bureau of Land Management, Roseburg District Office at Roseburg, OR (BLM) (1122) and the Fish Ecology Division, Northwest Fisheries Science Center, NMFS at Seattle, WA (NWFSC) (1137) have applied in due form for permits; and that the Northern Wasco County People's Utility District at The Dalles, OR (NWCPUD) (948) and the Idaho Cooperative Fish and Wildlife Research Unit at Moscow, ID (ICFWRU) (994) have applied in due form for modifications to permits that would authorize takes of listed species for the purpose of scientific research.

DATES: Written comments or requests for a public hearing on these applications must be received on or before April 6, 1998.

ADDRESSES: The applications and related documents are available for review in the following offices, by appointment:

Protected Resources Division (PRD), F/NWO3, NMFS, 525 NE Oregon Street, Suite 500, Portland, OR 97232–4169 (503–230–5400).

Office of Protected Resources, F/PR3, NMFS, 1315 East-West Highway, Silver Spring, MD 20910–3226 (301–713–1401); and

Written comments or requests for a public hearing should be submitted to the Chief, PRD, Portland.

FOR FURTHER INFORMATION CONTACT: For permit 1122 - Tom Lichatowich, PRD (503–230–5438);

For permits 1137, 948, and 994 - Robert Koch, PRD (503–230–5424).

SUPPLEMENTARY INFORMATION: BLM (1122) and NWFSC (1137) request permits; and NWCPUD (948) and ICFWRU (994) request modifications to permits under the authority of section 10 of the Endangered Species Act of 1973 (ESA) (16 U.S.C. 1531-1543) and the NMFS regulations governing ESA-listed fish and wildlife permits (50 CFR parts 217–227).

BLM (1122) requests a five-year permit for an annual direct take of juvenile, endangered, Umpqua River cutthroat trout (URCT) *Oncorhynchus clarki clarki* associated with a research project designed to determine sub-basin contribution to the migratory population. This information will benefit wild populations by identifying important habitat areas where restoration efforts will have the most impact. BLM proposes to use screw traps to estimate abundance from selected sub-basins and will radio-tag up to 20 of the fish captured in each sub-basin to determine whether the fish are resident, fluvial, or anadromous. The proposal will concentrate on Canton, Rock, Calapooya and Myrtle Creeks as well as Little River of the Umpqua River during the outmigration period of March through June. URCT will be captured, anesthetized, handled (measured, tagged, marked as appropriate) and allowed to recover before release. ESA-listed juvenile fish

indirect mortalities associated with the scientific research activities are also requested.

NWFSC (1137) requests a one-year scientific research permit for takes of juvenile, endangered, Snake River sockeye salmon (*Oncorhynchus nerka*); juvenile, threatened, naturally produced and artificially propagated, Snake River spring/summer chinook salmon (*Oncorhynchus tshawytscha*); juvenile, threatened, Snake River fall chinook salmon (*Oncorhynchus tshawytscha*); juvenile, endangered, naturally produced and artificially propagated, upper Columbia River steelhead (*Oncorhynchus mykiss*); juvenile, threatened, Snake River steelhead (*Oncorhynchus mykiss*); and juvenile lower Columbia River steelhead (*Oncorhynchus mykiss*) (currently proposed as threatened) associated with four scientific research studies at hydropower dams on the Snake and Columbia Rivers in the Pacific Northwest. The purpose of the four studies are: (Study 1) to evaluate a prototype fish separator at Ice Harbor Dam; (Study 2) to establish biological design criteria for fish passage facilities at McNary Dam; (Study 3) to evaluate vertical barrier screens, outlet flow control devices, and methods of debris control at McNary and Little Goose Dams; and (Study 4) to evaluate extended-length bar screens at the first powerhouse of Bonneville Dam. ESA-listed juvenile fish would be captured, handled with some tagged with passive integrated transponders, and released. The applicant requests lethal take of ESA-listed juvenile fish, as well as indirect mortalities of ESA-listed juvenile fish associated with the research activities.

NWCPUD requests modification 2 to scientific research permit 948. Permit 948 authorizes NWCPUD annual takes of juvenile, ESA-listed, Snake River salmon associated with a study designed to assess run-of-the-river juvenile anadromous fish condition after passage through the screened turbine intake channel at The Dalles Dam, located on the Columbia River. For modification 2, NWCPUD requests an annual take of juvenile, endangered, naturally produced and artificially propagated, upper Columbia River steelhead and juvenile, threatened, Snake River steelhead associated with the research. ESA-listed juvenile steelhead are proposed to be captured, handled, and released. ESA-listed juvenile steelhead indirect mortalities associated with the research are also requested. Modification 2 is requested to be valid for the duration of the permit which expires on September 30, 1999.

ICFWRU requests modification 3 to scientific research permit 994. Permit 994 authorizes ICFWRU annual takes of adult, ESA-listed, Snake River salmon associated with a study designed to assess the passage success of migrating adult salmonids at the four dams and reservoirs in the lower Columbia River, evaluate adult fish responses to specific flow and spill conditions, and evaluate measures to improve adult fish passage. For modification 3, ICFWRU requests an increase in the take of adult, threatened, Snake River spring/summer and fall chinook salmon associated with the research. Also for modification 3, a new study is proposed. The new study is designed to determine if adult salmon successfully return to natal streams or hatcheries and if homing is affected by mode of seaward migration (in-river versus transport). ESA-listed adult salmon are proposed to be captured at Lower Granite Dam on the Snake River, fitted with radio transmitters and identifier tags, and released. Once returned to the river, ESA-listed adult fish will be tracked electronically to hatcheries and spawning grounds. Modification 3 is requested to be valid for the duration of the permit which expires on December 31, 2000.

To date, protective regulations for threatened Snake River steelhead under section 4(d) of the ESA have not been promulgated by NMFS. This notice of receipt of applications requesting takes of this species is issued as a precaution in the event that NMFS issues protective regulations that prohibit takes of Snake River steelhead. The initiation of a 30-day public comment period on the applications, including their proposed takes of Snake River steelhead, does not presuppose the contents of the eventual protective regulations. To date, a listing determination for lower Columbia River steelhead under the ESA has not been promulgated by NMFS. This notice of receipt of an application requesting a take of this species is issued as a precaution in the event that NMFS issues a listing determination. The initiation of a 30-day public comment period on the application, including its proposed take of lower Columbia River steelhead, does not presuppose a listing determination.

Those individuals requesting a hearing (see **ADDRESSES**) should set out the specific reasons why a hearing on this application would be appropriate. The holding of such hearing is at the discretion of the Assistant Administrator for Fisheries, NOAA. All statements and opinions contained in this application summary are those of the applicant and do not necessarily reflect the views of NMFS.

Dated: March 2, 1998.

Marta F. Nammack,

Acting Chief, Endangered Species Division, Office of Protected Resources, National Marine Fisheries Service.

[FR Doc. 98–5835 Filed 3–5–98; 8:45 am]

BILLING CODE 3510–22–F

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

[I.D. 022498C]

Endangered Species; Permits

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

ACTION: Receipt of an application for modification 5 to scientific research permit 822.

SUMMARY: Notice is hereby given that the Fish Passage Center at Portland, OR (FPC) has applied in due form for a modification to a permit that would authorize takes of endangered and threatened anadromous steelhead for the purpose of scientific research.

DATES: Written comments or requests for a public hearing on this application must be received on or before April 6, 1998.

ADDRESSES: The application and related documents are available for review in the following offices, by appointment:

Office of Protected Resources, F/PR3, NMFS, 1315 East-West Highway, Silver Spring, MD 20910–3226 (301–713–1401); and

Protected Resources Division (PRD), F/NWO3, 525 NE Oregon Street, Suite 500, Portland, OR 97232–4169 (503–230–5400).

Written comments or requests for a public hearing should be submitted to the Chief, PRD in Portland, OR.

FOR FURTHER INFORMATION CONTACT: Robert Koch, PRD (503–230–5424).

SUPPLEMENTARY INFORMATION: FPC requests a modification to a permit under the authority of section 10 of the Endangered Species Act of 1973 (ESA) (16 U.S.C. 1531–1543) and the NMFS regulations governing ESA-listed fish and wildlife permits (50 CFR parts 217–227).

FPC requests modification 5 to permit 822. Permit 822 authorizes FPC annual direct takes of juvenile, endangered, Snake River sockeye salmon (*Oncorhynchus nerka*); juvenile, threatened, naturally produced and artificially propagated, Snake River spring/summer chinook salmon

(*Oncorhynchus tshawytscha*); and juvenile, threatened, Snake River fall chinook salmon (*Oncorhynchus tshawytscha*) associated with the Smolt Monitoring Program (SMP), conducted at hydropower dams on the Snake and Columbia Rivers in the Pacific Northwest and at a number of upriver locations in the state of ID. Permit 822 also authorizes FPC annual incidental takes of ESA-listed adult Snake River salmon associated with fallbacks through the juvenile bypass systems at Bonneville and John Day Dams on the Columbia River. The purpose of the SMP is to generate information on the migrational characteristics of anadromous fish stocks in the Columbia River Basin. The information is used to implement flow and spill measures designed to improve fish passage conditions at the dams and reservoirs on the Snake and Columbia Rivers.

For modification 5 to the permit, FPC requests: (1) annual direct takes of juvenile, endangered, naturally produced and artificially propagated, upper Columbia River steelhead (*Oncorhynchus mykiss*) and juvenile, threatened, Snake River steelhead (*Oncorhynchus mykiss*) associated with the SMP; (2) an annual direct take of juvenile lower Columbia River steelhead (*Oncorhynchus mykiss*), a species currently proposed as threatened, at Bonneville Dam; and (3) annual incidental takes of ESA-listed adult steelhead associated with fallbacks through the juvenile fish bypass systems at Bonneville and John Day Dams. ESA-listed steelhead indirect and incidental mortalities associated with the SMP are requested. Modification 5 to permit 822 is requested to be valid for the duration of the permit. Permit 822 expires on December 31, 1998.

To date, protective regulations for threatened Snake River steelhead under section 4(d) of the ESA have not been promulgated by NMFS. This notice of receipt of an application requesting a take of this species is issued as a precaution in the event that NMFS issues protective regulations that prohibit takes of Snake River steelhead. The initiation of a 30-day public comment period on the application, including its proposed take of Snake River steelhead, does not presuppose the contents of the eventual protective regulations. To date, a listing determination for lower Columbia River steelhead under the ESA has not been promulgated by NMFS. This notice of receipt of applications requesting takes of this species is issued as a precaution in the event that NMFS issues a listing determination. The initiation of a 30-day public comment period on the applications, including their proposed takes of lower Columbia River steelhead, does not presuppose a listing determination.

Aspects of this proposed permit modification, and a request received from the U.S. Army Corps of Engineers to modify permit 895 to include takes of ESA-listed steelhead, will be the subject of scheduled hearings, as previously noticed (63–FR–9204, February 24, 1998). Those individuals requesting a hearing on the request for modification 5 to permit 822 should set out the specific reasons why a hearing would be appropriate (see **ADDRESSES**). The holding of such a hearing is at the discretion of the Assistant Administrator for Fisheries, NOAA. All statements and opinions contained in the above application summary are those of the applicant and do not necessarily reflect the views of NMFS.

Dated: March 2, 1998.

Marta F. Nammack,

Acting Chief, Endangered Species Division, Office of Protected Resources, National Marine Fisheries Service.

[FR Doc. 98–5836 Filed 3–5–98; 8:45 am]

BILLING CODE 3510–22–F

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

[I.D. 022698C]

Endangered Species; Permits

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

ACTION: Receipt of applications for modifications to scientific research permits 956, 1035, and 1036.

SUMMARY: Notice is hereby given that the U.S. Geological Survey at Cook, WA (USGS) has applied in due form for modifications to permits that would authorize takes of Endangered Species Act-listed steelhead for the purpose of scientific research.

DATES: Written comments or requests for a public hearing on any of the applications must be received on or before April 6, 1998.

ADDRESSES: The applications and related documents are available for review in the following offices, by appointment:

Protected Resources Division (PRD), F/NWO3, 525 NE Oregon Street, Suite 500, Portland, OR 97232–4169 (503–230–5400).

Office of Protected Resources, F/PR3, NMFS, 1315 East-West Highway, Silver Spring, MD 20910–3226 (301–713–1401); and

Written comments or requests for a public hearing should be submitted to the Chief, PRD in Portland, OR.

FOR FURTHER INFORMATION CONTACT: Robert Koch (503–230–5424).

SUPPLEMENTARY INFORMATION: USGS requests modifications to permits under the authority of section 10 of the Endangered Species Act of 1973 (ESA) (16 U.S.C. 1531–1543) and the NMFS regulations governing ESA-listed fish and wildlife permits (50 CFR parts 217–227).

USGS requests modification 3 to permit 956. Permit 956 authorizes USGS annual takes of juvenile, threatened, naturally produced and artificially propagated, Snake River spring/summer chinook salmon (*Oncorhynchus tshawytscha*) and juvenile, threatened, Snake River fall chinook salmon (*Oncorhynchus tshawytscha*) associated with a study designed to obtain data on the distribution, abundance, movement, and habitat preferences of the anadromous fish that migrate through Lower Granite Reservoir; to evaluate the operation of a surface bypass collector in the forebay of Lower Granite Dam; and to verify species of hydroacoustic surveys. For modification 3, USGS requests an annual take of juvenile, threatened, Snake River steelhead (*Oncorhynchus mykiss*) associated with the research. ESA-listed juvenile steelhead are proposed to be acquired from the Idaho Department of Fish and Game and/or the Smolt Monitoring Program (SMP) (operating under the authority of separate permits), collected by purse seine, or collected from the juvenile bypass facility at Lower Granite Dam; transported as necessary to Lower Granite Dam; surgically implanted with radio transmitters; released at Lower Granite Dam; and tracked electronically. USGS requests indirect mortalities of ESA-listed juvenile steelhead, and requests that Modification 3 be valid for the duration of the permit which expires on September 30, 1999.

USGS requests modification 1 to permit 1035. Permit 1035 authorizes USGS an annual take of juvenile, threatened, artificially propagated, Snake River spring/summer chinook salmon associated with a study designed to determine the vertical and horizontal distribution of juvenile salmonids exposed to high levels of total dissolved gas during their seaward migration in the Snake and Columbia Rivers. The vertical and horizontal distribution of juvenile salmonids exposed to high levels of total dissolved gas must be further defined to assess the

risk of mortality from gas bubble disease. For modification 1, USGS requests an annual take of juvenile, endangered, artificially propagated, upper Columbia River steelhead (*Oncorhynchus mykiss*) and an increase in the annual take of juvenile, ESA-listed, Snake River spring/summer chinook salmon associated with the scientific research. ESA-listed fish will be acquired from the SMP (under the authority of a separate permit) at Lower Monumental, Ice Harbor, or McNary Dams; transported as necessary to Ice Harbor Dam; surgically implanted with radio transmitters; released at Ice Harbor Dam; and tracked electronically between Ice Harbor and McNary Dams. USGS requests indirect mortalities of ESA-listed juvenile fish, and requests that Modification 1 be valid for the duration of the permit which expires on December 31, 1999.

USGS requests modification 1 to permit 1036. Permit 1036 authorizes USGS annual takes of adult and juvenile, threatened, Snake River fall chinook salmon and juvenile, threatened, Snake River spring/summer chinook salmon associated with a study designed to determine the post-release attributes and survival of hatchery and natural fall chinook salmon in the Snake River. For modification 1, USGS requests annual takes of adult and juvenile, endangered, naturally produced and artificially propagated, upper Columbia River steelhead and juvenile, threatened, Snake River steelhead associated with the research. Also for modification 1, USGS requests an increase in the takes of ESA-listed species associated with two new studies. Study 1 is designed to predict the effects of reservoir drawdown on juvenile salmonids and their predators. Study 2 is designed to collect data to characterize the size, age structure, and growth of salmonid predator populations in free-flowing river reaches. USGS proposes to collect ESA-listed fish using beach seines and/or electroshocking, handle and release them while seeking northern squawfish (*Ptychocheilus oregonensis*) and smallmouth bass (*Micropterus dolomieui*) in the Snake River and the Hanford Reach of the Columbia River. USGS requests indirect mortalities of ESA-listed juvenile fish, and requests that Modification 1 be valid for the duration of the permit which expires on December 31, 2001.

To date, protective regulations for threatened Snake River steelhead under section 4(d) of the ESA have not been promulgated by NMFS. This notice of receipt of applications requesting takes of this species is issued as a precaution in the event that NMFS issues protective regulations that prohibit takes of Snake River steelhead. The initiation of a 30-day public comment period on the applications, including their proposed takes of Snake River steelhead, does not presuppose the contents of the eventual protective regulations. Those individuals requesting a hearing on any of the above applications should set out the specific reasons why a hearing would be appropriate (see **ADDRESSES**). The holding of such a hearing is at the discretion of the Assistant Administrator for Fisheries, NOAA. All statements and opinions contained in the above application summaries are those of the applicant and do not necessarily reflect the views of NMFS.

Dated: February 26, 1998.

Marta F. Nammack,

Acting Chief, Endangered Species Division, Office of Protected Resources, National Marine Fisheries Service.

[FR Doc. 98–5837 Filed 3–5–98; 8:45 am]

BILLING CODE 3510–22–F

CONSUMER PRODUCT SAFETY COMMISSION

Sunshine Act Meeting

AGENCY: U.S. Consumer Product Safety Commission, Washington, DC 20207.

''FEDERAL REGISTER'' CITATION OF PREVIOUS ANNOUNCEMENT: [insert FR citation].

PREVIOUSLY ANNOUNCED TIME AND DATE OF MEETING: 10:00 a.m., March 4, 1998.

CHANGES IN MEETING: The Compliance Status Report meeting was canceled.

For a recorded message containing the latest agenda information, call (301) 504–0709.

CONTACT PERSON FOR ADDITIONAL INFORMATION: Sadye E. Dunn, Office of the Secretary, 4330 East West Highway, Bethesda, MD 20207; (301) 504–0800.

Dated: March 4, 1998.

Sadye E. Dunn,

Secretary.

[FR Doc. 98–6011 Filed 3–4–98; 8:45 am]

BILLING CODE 6355–01–M

CONSUMER PRODUCT SAFETY COMMISSION

Sunshine Act Meeting

AGENCY: U.S. Consumer Product Safety Commission, Washington, DC 20207.

TIME AND DATE: Thursday, March 12, 1998, 10:00 a.m.

LOCATION: Room 410, East West Towers, 4330 East West Highway, Bethesda, Maryland.

STATUS: Closed to the Public.

MATTER TO BE CONSIDERED:

Compliance Status Report

The staff will brief the Commission on the status of various compliance matters.

For a recorded message containing the latest agenda information, call (301) 504–0709.

CONTACT PERSON FOR ADDITIONAL INFORMATION: Sadye E. Dunn, Office of the Secretary, 4330 East West Highway, Bethesda, MD 20207 (301) 504–0800.

Dated: March 4, 1998.

Sadye E. Dunn,

Secretary.

[FR Doc. 98–6012 Filed 3–4–98; 3:20 pm]

BILLING CODE 6355–01–M

CORPORATION FOR NATIONAL AND COMMUNITY SERVICE

Proposed Information Collection: Comment Request

ACTION: Notice.

SUMMARY: The Corporation for National and Community Service (hereinafter the ''Corporation''), as part of its continuing effort to reduce paperwork and respondent burden, conducts a pre-clearance consultation program to provide the general public and federal agencies with an opportunity to comment on proposed and/or continuing collections of information in accordance with the Paperwork Reduction Act of 1995 (PRA95) (44 U.S.C. Sec. 3506(c)(2)(A)). This program helps to ensure that requested data can be provided in the desired format, reporting burden (time and financial resources) is minimized, collection instruments are clearly understood, and the impact of collection requirement on respondents can be properly assessed.

Currently, the Corporation is soliciting comments concerning its proposed renewal of its AmeriCorps*NCCC Team Leader Application, OMB 3045–0005. This form is used to collect information that will be used by AmeriCorps*NCCC staff in the evaluation and selection of Team Leaders.

Copies of the information collection requests can be obtained by contacting the office listed in the address section of this notice.

The Corporation is particularly interested in comments that:

• Evaluate whether the proposed collection of information is necessary for the proper performance of the functions of the Corporation, including

whether the information will have practical utility;

• Evaluate the accuracy of the agency's estimate of the burden of the proposed collection of information, including the validity of the methodology and assumptions used;

• Enhance the quality, utility, and clarity of the information to be collected; and

• Minimize the burden of the collection of information on those who are expected to respond, including the use of appropriate automated, electronic, mechanical, or other technological collection techniques or other forms of information technology (e.g., permitting electronic submissions of responses).

DATES: Written comments must be submitted to the individual and office listed in the address section on or before May 4, 1998.

ADDRESS: Send comments to Joseph Zehnder, National Personnel Coordinator, AmeriCorps*National Civilian Community Corps, Corporation for National and Community Service, 1201 New York Ave., N.W., Washington, D.C. 20525.

FOR FURTHER INFORMATION CONTACT: Joseph Zehnder, (202) 606–5000, ext. 116.

SUPPLEMENTARY INFORMATION:

Part I

I. Background

The Team Leader Application form is completed by applicants who wish to serve as Team Leaders at AmeriCorps*NCCC regional campuses.

II. Current Action

The Corporation seeks to renew and revise the current form. When revised, the form will include discussion concerning an additional regional campus and will be used for the same purpose and in the same manner as the existing form. The Corporation also seeks to continue using the current form until the revised form is approved by OMB. The current form is due to expire on March 31, 1998. The Corporation has requested for a 90-day extension from this date to use the existing form until the revised form is approved.

Type of Review: Renewal.

Agency: Corporation for National and Community Service.

Title: AmeriCorps*NCCC Team Leader Application Form.

OMB Number: 3045–0005.

Agency Number: None.

Affected Public: Citizens of diverse ages and backgrounds who are committed to national service.

Total Respondents: 500.

Frequency: Annually.

Average Time Per Response: Two hours.

Estimated Total Burden Hours: 1,000 hours.

Total Burden Cost (capital/startup): None.

Total Burden Cost (operating/maintenance): None.

Comments submitted in response to this notice will be summarized and/or included in the request for Office of Management and Budget approval of the information collection request; they will also become a matter of public record.

Dated: March 2, 1998.

Kenneth L. Klothen,

General Counsel.

[FR Doc. 98–5812 Filed 3–5–98; 8:45 am]

BILLING CODE 6050–28–P

CORPORATION FOR NATIONAL AND COMMUNITY SERVICE

Proposed Information Collection: Comment Request

ACTION: Notice.

SUMMARY: The Corporation for National and Community Service (hereinafter the ''Corporation''), as part of its continuing effort to reduce paperwork and respondent burden, conducts a pre-clearance consultation program to provide the general public and Federal agencies with an opportunity to comment on proposed and/or continuing collections of information in accordance with the Paperwork Reduction Act of 1995 (PRA95) (44 U.S.C. Sec. 3506(c)(2)(A)). This program helps to ensure that requested data can be provided in the desired format, reporting burden (time and financial resources) is minimized, collection instruments are clearly understood, and the impact of collection requirement on respondents can be properly assessed.

Currently, the Corporation is soliciting comments concerning its proposed renewal of its AmeriCorps*VISTA Project Progress Report, OMB 3045–0043. This form is used to collect information from project sponsors, site supervisors and members to periodically report on activities listed in an approved application.

Copies of the information collection requests can be obtained by contacting the office listed below in the address section of this notice.

The Corporation is particularly interested in comments that:

• Evaluate whether the proposed collection of information is necessary for the proper performance of the functions of the Corporation, including whether the information will have practical utility;

• Evaluate the accuracy of the agency's estimate of the burden of the proposed collection of information, including the validity of the methodology and assumptions used;

• Enhance the quality, utility and clarity of the information to be collected; and

• Minimize the burden of the collection of information on those who are to respond, including through the use of appropriate automated, electronic, mechanical, or other technological collection techniques or other forms of information technology (e.g., permitting electronic submissions of responses).

DATES: Written comments must be submitted to the office listed in the addresses section on or before May 4, 1998.

ADDRESSES: Send comments to, Corporation for National and Community Service, AmeriCorps*VISTA, Attn: Ava Castanuela, 1201 New York Ave., N.W., Washington, D.C. 20525.

FOR FURTHER INFORMATION CONTACT: Ava Castanuela (202) 606–5000, ext. 462.

SUPPLEMENTARY INFORMATION:

Part I

I. Background

The information contained in the AmeriCorps*VISTA Project Progress Report is used to periodically collect information from project sponsors and site supervisors, and on activities listed in an approved application. In the past the form has, for the most part, collected quantitative information based on the goals and objectives of the approved application work plan.

II. Current Action

The Corporation seeks to renew the revised AmeriCorps*VISTA Project Progress Report. The need to update the form is necessary to gather information on the impact and quality of the change a project makes within a community. Currently, with the form gathering quantitative information, quality and impact are frequently not mentioned by the reporting project. Although impact is not a new focus of AmeriCorps*VISTA projects, the process of systematically documenting these effects is.

Type of Review: Renewal.

Agency: Corporation for National and Community Service.

Title: AmeriCorps*VISTA Project Progress Report.

OMB Number: 3045–0043.

Agency Number: None.

Affected Public: AmeriCorps*VISTA project sponsors, site supervisors and members.

Total Respondents: 900.

Frequency: 4 times per year.

Average Time Per Response: 3 hours.

Estimated Total Burden Hours: 10800 hours.

Total Burden Cost (capital/startup): 0.

Total Burden Cost (operating/maintenance): 0.

Comments submitted in response to this notice will be summarized and/or included in the request for Office of Management and Budget approval of the information collection request; they will also become a matter of public record.

Dated: March 2, 1998.

Kenneth L. Klothen,

General Counsel.

[FR Doc. 98–5813 Filed 3–5–98; 8:45 am]

BILLING CODE 6050–28–P

DEPARTMENT OF DEFENSE

Office of the Secretary

Defense Science Board Task Force on Control of Military Excess/Surplus Materiel

ACTION: Notice of Advisory Committee meetings.

SUMMARY: The Defense Science Board Task Force on Control of Military Excess/Surplus met in closed session on March 4, 1998 at Science Applications International Corporation, Arlington, Virginia.

The mission of the Defense Science Board is to advise the Secretary of Defense through the Under Secretary of Defense for Acquisition and Technology on scientific and technical matters as they affect the perceived needs of the Department of Defense. At this meeting the Task Force will examine existing regulatory and statutory guidance in support of controls, DoD Demilitarization policy, and private sector possession of DoD surplus materiel. Investigate the framework which defines MLI/SLI and SME and evaluate the capabilities and shortfalls for identifying and controlling them. Investigate concepts for analysis and execution of the control of DoD surplus materiel in a post cold-war environment focusing on trade-off analysis of different levels of control.

In accordance with Section 10(d) of the Federal Advisory Committee Act, P.L. No. 92–463, as amended (5 U.S.C. App. II, (1994)), it has been determined that this DSB Task Force meeting concerns matters listed in 5 U.S.C. 552b (1) (1994), and that accordingly this meeting will be closed to the public.

Dated: March 2, 1998.

L.M. Bynum,

Alternate OSD Federal Register Liaison Officer, Department of Defense.

[FR Doc. 98–5763 Filed 3–5–98; 8:45 am]

BILLING CODE 5000–04–M

DEPARTMENT OF DEFENSE

Defense Logistics Agency

Privacy Act of 1974; Computer Matching Program

AGENCY: Defense Manpower Data Center, Defense Logistics Agency, DoD.

ACTION: Notice of a computer matching program.

SUMMARY: Subsection (e)(12) of the Privacy Act of 1974, as amended, (5 U.S.C. 552a) requires agencies to publish advance notice of any proposed or revised computer matching program by the matching agency for public comment. The DoD, as the matching agency under the Privacy Act, is hereby giving public notice of a computer matching program between the Armed Forces Retirement Home (AFRH) and DoD that certain records are being matched by computer. By verifying Federal payments to residents, the AFRH can accurately and fairly determine and fix the individual fees as required by law. A computer match will provide accurate benefit information on the residents.

EFFECTIVE DATE: This proposed action will become effective April 30, 1998, unless comments are received which would result in a contrary determination. Any public comment must be received before the effective date.

ADDRESSES: Any interested party may submit written comments to the Acting Director, Defense Privacy Office, 1941 Jefferson Davis Highway, Suite 920, Arlington, VA 22202–4502.

FOR FURTHER INFORMATION CONTACT: Mr. Vahan Moushegian, Jr. at telephone (703) 607–2943.

SUPPLEMENTARY INFORMATION: Pursuant to subsection (o) of the Privacy Act of 1974, as amended, (5 U.S.C. 552a), the DMDC and AFRH have concluded an agreement to conduct a computer matching program between the agencies. The purpose of the match is to exchange personal data between the agencies for verification of Federal payments to residents. The match will yield the benefit information on the residents so that AFRH can accurately and fairly determine and fix the individual fees, from time to time, as required by law. Computer matching is the most efficient and effective manner to accomplish this task with the least amount of intrusion of personal privacy of the individuals concerned.

A copy of the computer matching agreement between AFRH and DMDC is available upon request to the public. Requests should be submitted to the address caption above or to the Chief, Management Information Systems, U. S. Soldiers' and Airmen's Home, 3700 North Capitol Street, NW, Washington, DC 20317–0002.

Set forth below is the notice of the establishment of a computer matching program required by paragraph 6.c. of the Office of Management and Budget Guidelines on computer matching published in the **Federal Register** on June 19, 1989 at 54 FR 25818.

The matching agreement, as required by 5 U.S.C. 552a(r) of the Privacy Act, and an advance copy of this notice was submitted on February 25, 1998, to the House Committee on Government Reform and Oversight, the Senate Committee on Governmental Affairs, and the Administrator of the Office of Information and Regulatory Affairs, Office of Management and Budget pursuant to paragraph 4d of Appendix I to OMB Circular No. A–130, 'Federal Agency Responsibilities for Maintaining Records about Individuals,' dated February 8, 1996 (61 FR 6435). The matching program is subject to review by OMB and Congress and shall not become effective until that review period has elapsed.

Dated: March 2, 1998.

L.M. Bynum,

Alternate OSD Federal Register Liaison Officer, Department of Defense.

NOTICE OF A COMPUTER MATCHING PROGRAM BETWEEN THE ARMED FORCES RETIREMENT HOME AND THE DEPARTMENT OF DEFENSE FOR VERIFICATION OF FEDERAL PAYMENTS TO RESIDENTS

A. *Participating agencies:* Participants in this computer matching program are the Armed Forces Retirement Home (AFRH) and the Defense Manpower Data Center (DMDC) of the Department of Defense (DoD). The AFRH is the source agency, i.e., the activity disclosing the records for the purpose of the match. The DMDC is the recipient activity or matching agency, i.e., the agency that actually performs the computer matching.

B. *Purpose of the match:* The purpose of this agreement is to establish the conditions under which the DoD,

Department of Veterans Affairs (DVA) and Office of Personnel Management (OPM) agree to a computer matching program for the disclosure of military retired or retainer pay, civil service annuity, and compensation or pension from the DVA for the residents of the AFRH, which includes the United States Soldiers' and Airmen's Home (USSAH) and the United States Naval Home (USNH). This disclosure will provide the AFRH with information necessary to verify the payment information currently provided by residents for the computation of their monthly fee, and identify any unreported benefit payments received by residents.

C. *Authority for conducting the match:* The legal authority for conducting the matching program is contained in the Armed Forces Retirement Home Act of 1991, Pub. L. 101–510, 24 U.S.C. 401–441.

D. *Records to be matched:* The systems of records maintained by the respective agencies under the Privacy Act of 1974, as amended, from which records will be disclosed for the purpose of this computer match are as follows:

The AFRH will use personal data from the record system identified as AFRH–1, entitled 'Armed Forces Retirement Home Resident Fee Maintenance System' last published in the **Federal Register** at 58 FR 68629 on December 28, 1993.

DoD will use personal data from the record system identified as S322.10 DMDC, entitled 'Defense Manpower Data Center Data Base,' last published in the **Federal Register** at 62 FR 55610 on October 27, 1997.

E. *Description of Computer Matching Program:* The AFRH will provide DMDC with a magnetic computer tape which contains the name, SSN and date of birth of each resident. Upon receipt of the computer tape file of residents, DMDC will perform a computer match using all nine digits of the SSN of the AFRH file against a DMDC computer database of personnel/employment/pay records of all uniformed personnel who served on active duty or retired, including individuals receiving any Federal compensation, pension or annuity from the DVA or OPM. Matching records (hits) based on the SSN, will produce the resident's military retired or retainer pay, civil service annuity and DVA compensation and pension. The match results will be furnished to AFRH. AFRH is responsible for verifying and determining that the data on the DMDC reply tape file are consistent with AFRH's source file and for resolving any discrepancies or inconsistencies on an individual basis. AFRH will also be responsible for making final determinations as to positive identification and the amount of Federal payment received by the resident as a result of the match.

The AFRH will provide an electronic file in a format defined by DMDC on a semiannual basis. This file will contain the name and SSN of approximately 2,000 residents whose records DMDC will verify.

The DMDC computer database file contains approximately 10 million records of active duty and retired military members, including the Reserve and Guard; the DVA compensation and pension records on military retirees; and the OPM compensation and annuity records on military retirees.

DMDC will match the SSN on the AFRH file by computer against the DMDC database. Matching records, hits based on the SSN, will produce data elements of the individual's name, date of birth, gross entitlement amount, payment status, benefit eligibility effective date, termination cause, waiver amount, waiver effective date, disability or non-disability retirement status, VA and OPM claim/file numbers, and Former Spouse Protection Act deductions.

F. *Inclusive dates of the Matching Program:* This computer matching program is subject to review by the Office of Management and Budget and Congress. If no objections are raised by either, and the mandatory 30 day public notice period for comment has expired; then this computer matching program becomes effective and the respective agencies may begin the exchange of data at a mutually agreeable time and will be repeated semiannually. Under no circumstances shall the matching program be implemented before the 30 day public notice period for comment has elapsed as this time period cannot be waived. By agreement between AFRH and DMDC, the matching program will be in effect and continue for 18 months with an option to renew for 12 additional months unless one of the parties to the agreement advises the other by written request to terminate or modify the agreement.

G. *Address for receipt of public comments or inquiries:* Acting Director, Defense Privacy Office, 1941 Jefferson Davis Highway, Suite 920, Arlington, VA 22202–4502. Telephone (703) 607–2943.

[FR Doc. 98–5761 Filed 3–5–98; 8:45 am]

BILLING CODE 5000–04–F

DEPARTMENT OF DEFENSE

Defense Logistics Agency

Privacy Act of 1974; System of Records

AGENCY: Defense Logistics Agency

ACTION: Notice to add a system of records.

SUMMARY: The Defense Logistics Agency proposes to add a system of records to its inventory of record systems subject to the Privacy Act of 1974 (5 U.S.C. 552a), as amended.

DATES: This action will be effective without further notice on April 6, 1998, unless comments are received that would result in a contrary determination.

ADDRESSES: Send comments to the Privacy Act Officer, Headquarters, Defense Logistics Agency, ATTN: CAAR, 8725 John J. Kingman Road, Suite 2533, Fort Belvior, VA 22060–6221.

FOR FURTHER INFORMATION CONTACT: Ms. Susan Salus at (703) 767–6183.

SUPPLEMENTARY INFORMATION: The Defense Logistics Agency notices for systems of records subject to the Privacy Act of 1974 (5 U.S.C. 552a), as amended, have been published in the **Federal Register** and are available from the address above.

The proposed system report, as required by 5 U.S.C. 522a(r) of the Privacy Act of 1974, as amended, was submitted on February 25, 1998, to the House Committee on Government Reform and Oversight, the Senate Committee on Governmental Affairs, and the Office of Management and Budget (OMB) pursuant to paragraph 4c of Appendix I to OMB Circular No. A–130, 'Federal Agency Responsibilities for Maintaining Records About Individuals,' dated February 8, 1996 (February 20, 1996, 61 FR 6427).

Dated: March 2, 1998.

L.M. Bynum,

Alternate OSD Federal Register Liaison Officer, Department of Defense.

S500.60 CA

SYSTEM NAME:

DLA Complaint Program Records.

SYSTEM LOCATION:

Office of the Staff Director, Command Security, Headquarters, Defense Logistics Agency, ATTN: CAAS, 8725 John J. Kingman Road, Suite 2533, Fort Belvoir, VA 22060–6221, and the Defense Logistics Agency Primary Level Field Activities (DLA PLFAs). Official mailing addresses are published as an

appendix to DLA's compilation of systems of records notices.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Individuals who have been the subject of a complaint.

CATEGORIES OF RECORDS IN THE SYSTEM:

Records contain case number, name of subject, Social Security Number, address, telephone number, and information on the nature of the complaint; the investigative report which normally contains details of the investigation, relevant facts discovered, information received from sources and witnesses, the investigator's findings, conclusions, and recommendations; and case disposition details.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

5 U.S.C. 301, Departmental Regulations; 5 U.S.C. 303(b), Oath to Witness; 10 U.S.C. 133, Under Secretary of Defense for Acquisition and Technology; 10 U.S.C. 936(b)(4), Art. 136, Authority to Administer Oaths (UCMJ); Pub. L. 95–452, Inspector General Act of 1978; E.O. 9397 (SSN); DoD Directive 5106.1, Inspector General of the Department of Defense; DoD Directive 7050.1, Defense Hotline Program; DLA Directive 5610.1, Management of the Defense Hotline Program and the DLA Complaint Program; and DLA Instruction 5610.1, Investigating Defense Hotline Allegations and DLA Complaints.

PURPOSE(S):

To record information related to investigations of suspected fraud, waste, or abuse; mismanagement; contract deviations, noncompliance, or improprieties; administrative misconduct; or adverse treatment under the complaint program and to institute appropriate corrections. Complaints appearing to involve criminal wrongdoing are referred to the appropriate criminal investigative organization for investigation and disposition.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

In addition to those disclosures generally permitted under 5 U.S.C. 552a(b) of the Privacy Act, these records or information contained therein may specifically be disclosed outside the DoD as a routine use pursuant to 5 U.S.C. 552a(b)(3) as follows:

To Federal, state, and local agencies that administer programs or employ individuals involved in a Defense Logistics Agency complaint for the purpose of reporting requirements.

The 'Blanket Routine Uses' set forth at the beginning of DLA's compilation of systems of records notices apply to this system.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Records are maintained in a combination of paper and automated form.

RETRIEVABILITY:

Records are retrieved by name of subject, subject matter, and by case number.

SAFEGUARDS:

Records are maintained in areas accessible only to DLA personnel who must access the records to perform their duties. The computer files are password protected with access restricted to authorized users.

RETENTION AND DISPOSAL:

Disposition pending.

SYSTEM MANAGER(S) AND ADDRESS:

Staff Director, Command Security, Headquarters Defense Logistics Agency, ATTN: CAAS, 8725 John J. Kingman Road, Suite 2533, Fort Belvoir, VA 22060–6221.

NOTIFICATION PROCEDURES:

Individuals seeking to determine whether this system of records contains information about themselves should address written inquiries to the Privacy Act Officer, Defense Logistics Agency, ATTN: CAAR, 8725 John J. Kingman Road, Suite 2533, Fort Belvoir, VA 22060–6221.

Individuals are required to provide name, Social Security Number, employing activity name and address, and, if known, place of investigation.

In addition, individuals must provide either a notarized signature or a signed and dated unsworn declaration, in accordance with 28 U.S.C. 1746, stating under penalty of perjury under U.S. law that the information contained in the request, including their identity, is true and correct.

RECORD ACCESS PROCEDURES:

Individuals seeking access to records about themselves contained in this system of records should address written inquiries the Privacy Act Officer, Defense Logistics Agency, ATTN: CAAR, 8725 John J. Kingman Road, Suite 2533, Fort Belvoir, VA 22060–6221.

Individuals are required to provide name, Social Security Number, employing activity name and address, and, if known, place of investigation.

In addition, individuals must provide either a notarized signature or a signed and dated unsworn declaration, in accordance with 28 U.S.C. 1746, stating under penalty of perjury that the information contained in the request for access, including their identity, is true and correct.

CONTESTING RECORD PROCEDURES:

The DLA rules for accessing records, for contesting contents and appealing initial agency determinations are contained in DLA Regulation 5400.21, 32 CFR part 323, or may be obtained from the Privacy Act Officer, Headquarters, Defense Logistics Agency, ATTN: CAAR, 8725 John J. Kingman Road, Suite 2533, Fort Belvoir, VA 22060–6221.

RECORD SOURCE CATEGORIES:

Information is provided by the record subject, complainant, witnesses, and investigators.

EXEMPTIONS CLAIMED FOR THE SYSTEM:

Investigatory material compiled for law enforcement purposes may be exempt pursuant to 5 U.S.C. 552a(k)(2). However, if an individual is denied any right, privilege, or benefit for which he would otherwise be entitled by Federal law or for which he would otherwise be eligible, as a result of the maintenance of such information, the individual will be provided access to such information except to the extent that disclosure would reveal the identity of a confidential source.

Investigatory material compiled solely for the purpose of determining suitability, eligibility, or qualifications for federal civilian employment, military service, federal contracts, or access to classified information may be exempt pursuant to 5 U.S.C. 552a(k)(5), but only to the extent that such material would reveal the identity of a confidential source.

An exemption rule for this system has been promulgated in accordance with requirements of 5 U.S.C. 553(b)(1), (2), and 3, (c) and (e) and published in 32 CFR part 323.

For more information, contact the Privacy Act Officer, Defense Logistics Agency, ATTN: CAAR, 8725 John J. Kingman Road, Suite 2533, Fort Belvoir, VA 22060–6221.

[FR Doc. 98–5762 Filed 3–5–98; 8:45 am]

BILLING CODE 5000–04–F

DEPARTMENT OF EDUCATION

Submission for OMB Review; Comment Request

AGENCY: Department of Education.

ACTION: Submission for OMB review; comment request.

SUMMARY: The 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 April 6, 1998.

ADDRESSES: Written comments should be addressed to the Office of Information and Regulatory Affairs, Attention: Danny Werfel, 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 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: March 2, 1998.

Gloria Parker,

Deputy Chief Information Officer, Office of the Chief Information Officer.

Office of Educational Research and Improvement

Type of Review: Extension.
Title: A Study of Charter Schools.
Frequency: Annually.
Affected Public: Not-for-profit institutions; State, local or Tribal Gov't, SEAs or LEAs.
Reporting Burden and Recordkeeping:
Responses: 16,791.
Burden Hours: 5,765.
Abstract: This four-year study of charter schools will examine the impact of charter schools on student achievement, on education reform, and on an array of other issues. The study includes an annual survey of the universe of charter schools and site visits at a sample of charter schools and comparison schools.

[FR Doc. 98–5784 Filed 3–5–98; 8:45 am]

BILLING CODE 4000–01–P

DEPARTMENT OF ENERGY

Environmental Management Site-Specific Advisory Board, Nevada

AGENCY: Department of Energy.

ACTION: Notice of open meeting.

SUMMARY: Pursuant to the provisions of the Federal Advisory Committee Act (Public Law 92–463, 86 Stat. 770) notice is hereby given of the following Advisory Committee meeting: Environmental Management Site-Specific Advisory Board (EM SSAB), Nevada Test Site.

DATES: Wednesday, April 1, 1998: 5:30 p.m.–9:00 p.m.

ADDRESSES: U.S. Department of Energy, Nevada Support Facility, Great Basin Room, 232 Energy Way, North Las Vegas, Nevada.

FOR FURTHER INFORMATION CONTACT: Kevin Rohrer, U.S. Department of Energy, Office of Environmental Management, P.O. Box 98518, Las Vegas, Nevada 89193–8513, phone: 702–295–0197.

SUPPLEMENTARY INFORMATION:

Purpose of the Board

The purpose of the Advisory Board is to make recommendations to DOE and its regulators in the areas of environmental restoration, waste management, and related activities.

Tentative Agenda

5:30 p.m.	Call to Order
5:40 p.m.	Presentations
7:00 p.m.	Public Comment/Questions
7:30 p.m.	Break
7:45 p.m.	Review Action Items
8:00 p.m.	Approve Meeting Minutes
8:10 p.m.	Committee Reports
8:45 p.m.	Public Comment
9:00 p.m.	Adjourn

Copies of the final agenda will be available at the meeting.

Public Participation

The meeting is open to the public. Written statements may be filed with the Committee either before or after the meeting. Individuals who wish to make oral statements pertaining to agenda items should contact Kevin Rohrer, at the telephone number listed above. Requests must be received 5 days prior to the meeting and reasonable provision will be made to include the presentation in the agenda. The Designated Federal Officer is empowered to conduct the meeting in a fashion that will facilitate the orderly conduct of business.

Minutes

The minutes of this meeting will be available for public review and copying at the Freedom of Information Public Reading Room, 1E–190, Forrestal Building, 1000 Independence Avenue, SW, Washington, DC 20585 between 9:00 a.m. and 4 p.m., Monday–Friday, except Federal holidays. Minutes will also be available by writing to Kevin Rohrer at the address listed above.

Issued at Washington, DC on March 2, 1998.

Rachel Samuel,

Deputy Advisory Committee Management Officer.

[FR Doc. 98–5868 Filed 3–5–98; 8:45 am]

BILLING CODE 6450–01–P

DEPARTMENT OF ENERGY

Environmental Management Site-Specific Advisory Board, Savannah River Site

AGENCY: Department of Energy.

ACTION: Notice of open meeting.

SUMMARY: Pursuant to the provisions of the Federal Advisory Committee Act (Public Law 92–463, 86 Stat. 770) notice is hereby given of the following Advisory Committee meeting: Environmental Management Site-Specific Advisory Board (EM SSAB), Savannah River Site.

DATES AND TIMES: Monday, March 23, 1998:

2:00 p.m. (Nuclear Materials Management Subcommittee)

4:00 p.m. (Outreach Subcommittee)
6:30 p.m.–7:00 p.m. (Public Comment Session)
7:00 p.m.–9:00 p.m. (Individual Subcommittee Meetings)

Tuesday, March 24, 1998: 8:30 a.m.–4:00 p.m.

ADDRESSES: All meetings will be held at: Holiday Inn—Charleston on the Beach, One Center Street, Folly Beach, South Carolina.

FOR FURTHER INFORMATION CONTACT: Gerri Flemming, Public Accountability Specialist, Environmental Restoration and Solid Waste Division, Department of Energy Savannah River Operations Office, P.O. Box A, Aiken, S.C. 29802 (803) 725–5374.

SUPPLEMENTARY INFORMATION:

Purpose of the Board

The purpose of the Board is to make recommendations to DOE and its regulators in the areas of environmental restoration, waste management and related activities.

Tentative Agenda

Monday, March 23, 1998

2:00 p.m. Public comment session (5-minute rule)
4:00 p.m. Joint subcommittee issues
6:30 p.m. Issues-based subcommittee meetings
9:00 p.m. Adjourn

Tuesday, March 24, 1998

8:30 a.m.
Approval of minutes, agency updates (~ 15 minutes)
Public comment session (5-minute rule) (~ 10 minutes)
Environmental remediation and waste management subcommittee report (~ 2 hours)
Risk management & future use subcommittee report (~ 1 hour)
12:00 p.m.
Lunch
Public comment session (5-minute rule) (~ 10 minutes)
Environmental management integration (~ 1 hour)
Transportation overview (tentative) (~ 30 minutes)
Recommendation review (~ 30 minutes)
Nuclear materials management subcommittee (~ 15 minutes)
Administrative subcommittee report (~ 30 minutes)
—Includes by-laws amendments proposal and membership election
Budget report (~ 10 minutes)
Public comment session (5-minute rule) (~ 10 minutes)
4:00 p.m.
Adjourn

If necessary, time will be allotted after public comments for items added to the agenda, and administrative details. A final agenda will be available at the meeting Monday, March 23, 1998.

Public Participation

The meeting is open to the public. Written statements may be filed with the Committee either before or after the meeting. Individuals who wish to make oral statements pertaining to agenda items should contact Gerri Flemming's office at the address or telephone number listed above. Requests must be received 5 days prior to the meeting and reasonable provision will be made to include the presentation in the agenda. The Designated Federal Officer is empowered to conduct the meeting in a fashion that will facilitate the orderly conduct of business. Each individual wishing to make public comment will be provided a maximum of 5 minutes to present their comments.

Minutes

The minutes of this meeting will be available for public review and copying at the Freedom of Information Public Reading Room, 1E–190, Forrestal Building, 1000 Independence Avenue, SW, Washington, DC 20585 between 9:00 a.m. and 4 p.m., Monday–Friday except Federal holidays. Minutes will also be available by writing to Gerri Flemming, Department of Energy Savannah River Operations Office, P.O. Box A, Aiken, S.C. 29802, or by calling her at (803) 725–5374.

Issued at Washington, DC on March 2, 1998.

Rachel Samuel,

Deputy Advisory Committee Management Officer.

[FR Doc. 98–5869 Filed 3–5–98; 8:45 am]

BILLING CODE 6450–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket No. CP98–249–000]

Florida Gas Transmission Company; Notice of Application

March 2, 1998.

Take notice that on February 24, 1998, Florida Gas Transmission Company (Florida Gas), 1400 Smith Street, Houston, Texas 77002, filed an application in Docket No. CP98–249–000 pursuant to Section 7(c) of the Natural Gas Act, and Part 157 of the Commission's Regulations. Florida Gas seeks authority to acquire firm and interruptible transportation services from an intrastate pipeline; and to construct, own, and operate a short pipeline lateral and delivery point in Washington County, Alabama. The details of Florida Gas's proposal are more fully set forth in its application which is on file with the Commission and available for public inspection.

Florida Gas proposes to:

(1) Construct, own and operate about one mile of 10-inch lateral and a new delivery point in Washington County, Alabama for deliveries to Alabama Power Company (Alabama Power); and

(2) Acquire firm and interruptible capacity on Bay Gas Storage Company, Ltd. (Bay Gas Storage), an intrastate pipeline, for deliveries to Alabama Power and Alabama Electric Coop, Inc. (Alabama Coop).

Florida Gas requests Commission authorization to obtain up to 32,000 MMBtu per day of firm capacity on Bay Gas Storage to effectuate a FTS–WD Transportation Agreement between Florida Gas and Alabama Power for delivery to Alabama Power's Olin Cogen Plant Delivery Point. Florida Gas further requests authority to use up to 32,000 MMBtu per day of interruptible service on Bay Gas Storage to effectuate interruptible transportation service for Alabama Coop in the near future. Florida Gas and Bay Gas Storage have entered into a firm and interruptible intrastate transportation agreement contingent upon approval by the Commission.

Florida Gas also proposes to construct a new tap, valve, an end of line valve assembly, and electronic flow measurement equipment in Washington County, Alabama to accommodate gas deliveries to Alabama Power's proposed meter station to receive firm gas volumes. Florida Gas states that Alabama Power would reimburse it for all construction costs, about $769,000. Florida Gas proposes to deliver up to 32,000 MMBtu of gas per day at line pressure. Alabama Power proposes to construct, own and operate the meter station connecting to Florida Gas's facilities serving the power plant.

Florida Gas says that Alabama Power will pay monthly for the transportation charges under its Service Agreement with Florida Gas for service under Rate Schedule FTS–WD, and will also reimburse Florida Gas for both the cost of new facilities installed downstream of the Bay Gas Storage facilities and for the cost of the third party transportation from Bay Gas Storage.

Florida Gas also says that the costs of any interruptible transportation on Bay Gas Storage will be more than offset by revenues collected from Alabama Coop under the Rate Schedule ITS–WD Service Agreement. The interruptible rate to be charged Alabama Coop pursuant to the Service Agreement under Rate Schedule ITS–WD will be

higher than the interruptible rate which Bay Gas Storage will charge Florida Gas.

Thus, Florida Gas says that since revenues collected will exceed costs, there will be no costs shifted to Florida Gas's other customers and that because the costs of the capacity to be acquired from Bay Gas Storage will be either reimbursed by the firm Shipper utilizing the firm capacity (Alabama Power) or more than offset by revenues from the interruptible Shipper (Alabama Coop) utilizing the interruptible capacity, the allocation of these costs are not skewed to favor any party.

Florida Gas requests that a preliminary determination of this Application, subject to final environmental review, be granted by May 1, 1998, to assure that service can commence by the planned November 1, 1998, in-service date of the Olin Cogen Plant. Florida Gas says that without the expedited approval of the authorizations requested herein, Florida Gas would have to begin the process to construct more than 11 additional miles of facilities parallel the existing intrastate pipeline owned by Bay Gas Storage. Florida Gas says that this alternative construction activity would be undertaken under its Part 157, Subpart F blanket certificate, and that it would have additional environmental impact and an estimated cost of $4 million.

Any person desiring to be heard or making any protest with reference to said application should on or before March 23, 1998, file with the Federal Energy Regulatory Commission, 888 First Street, NE., Washington, DC 20426, a motion to intervene or a protest in accordance with the requirements of the Commission's Rules of Practice and Procedure (18 CFR 385.214 or 385.211) and the Regulations under the Natural Gas Act (18 CFR 157.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. The Commission's rules require that protestors provide copies of their protests to the party or person to whom the protests are directed.

Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a motion to intervene in accordance with the Commission's Rules. A person obtaining intervenor status will be placed on the service list maintained by the Secretary of the Commission and will receive copies of all documents issued by the Commission, filed by the applicant, or filed by all other intervenors. An intervenor can file for rehearing of any Commission order and can petition for court review of any such order. However, an intervenor must serve copies of comments or any other filing it makes with the Commission to every other intervenor in the proceeding, as well as filing an original and 14 copies with the Commission.

A person does not have to intervene, however, in order to have comments considered. A person, instead, may submit two copies of such comments to the Secretary of the Commission. Commenters will be placed on the Commission's environmental mailing list, will receive copies of environmental documents, and will be able to participate in meetings associated with the Commission's environmental review process. Commenters will not be required to serve copies of filed documents on all other parties. However, commenters will not receive copies of all documents filed by other parties or issued by the Commission, and will not have the right to seek rehearing or appeal the Commission's final order to a Federal court. The Commission will consider all comments and concerns equally, whether filed by commenters or those requesting intervenor status.

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Energy Regulatory Commission by Sections 7 and 15 of the NGA and the Commission's Rules of Practice and Procedure, a hearing will be held without further notice before the Commission or its designee on these applications if no motion to intervene is filed within the time required herein, if the Commission on its own review of the matter finds that a grant of the certificate is required by the public convenience and necessity. If a motion for leave to intervene is timely filed, or if the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Florida Gas to appear or be represented at the hearing.

David P. Boergers,

Acting Secretary.

[FR Doc. 98–5779 Filed 3–5–98; 8:45 am]

BILLING CODE 6717–01–M

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket No. CP98–247–000]

Midcoast Interstate Transmission, Inc.; Notice of Application

March 2, 1998.

Take notice that on February 20, 1998, Midcoast Interstate Transmission, Inc. (MIT), 3230 Second Street, Muscle Shoals, Alabama 35661, filed an abbreviated application for a certificate of public convenience and necessity, pursuant to Section 7 of the Natural Gas Act, authorizing MIT to Construct and Operate Certain pipeline looping, and related facilities, in order to provide new and revised firm service effective November 1, 1998, as requested by its customers, all as more fully set forth in the application which is on file with the Commission and open to public inspection.

MIT proposes to construct and operate approximately 7.38 miles of 16-inch diameter looping pipeline at a total estimated cost of $2,439,551. The new line will commence at the terminus of MIT's existing 16-inch pipeline loop near Tuscumbia, Alabama, and will extend to a point on the west side of Colbert County Road 53 where it will interconnect with MIT's existing 12-inch to its customers pursuant to its Part 284 Blanket Transportation Certificate and will charge its applicable Part 284 transportation rates on file in its existing FERC Gas Tariff.

In order to meet the November 1, 1998, effective date that has been requested by its firm customers, MIT further request that the Commission grant its authorization by July 1998, and to that end seeks temporary certificate authorization should the requested permanent certificate not be granted by that date.[1]

Any person desiring to participate in the hearing process or to make any protest with reference to said application should on or before March 23, 1998, file with the Federal Energy Regulatory Commission, Washington, DC 20426, a motion to intervene or a protest in accordance with the requirements of the Commission's Rules of Practice and Procedure (18 CFR 385.214 or 385.211) and the Regulations under the Natural Gas Act (18 CFR 157.10). All protests filed with the Commission will be considered by it in

[1] A Staff Data Request will be issued concurrently with the notice requiring MIT to fully comply with the Commission's Regulations regarding information necessary to complete its application or it may be dismissed.

determining the appropriate action to be taken, but will not serve to make the protestants parties to the proceedings. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a motion to intervene in accordance with the Commission's Rules.

A person obtaining intervenor status will be placed on the service list maintained by the Secretary of the Commission and will receive copies of all documents filed by the applicant and by every one of the intervenors. An intervenor can file for rehearing of any Commission order and can petition for court review of any such order. However, an intervenor must submit copies of comments or any other filing it makes with the Commission to every other intervenor in the proceeding, as well as 14 copies with the Commission.

A person does not have to intervene, however, in order to have comments considered. A person, instead, may submit two copies of comments to the Secretary of the Commission. Commenters will be placed on the Commission's environmental mailing list, will receive copies of environmental documents and will be able to participate in meetings associated with the Commission's environmental review process. Commenters will not be required to serve copies of filed documents on all other parties. However, commenters will not receive copies of all documents filed by other parties or issued by the Commission and will not have the right to seek rehearing or appeal the Commission's final order to a federal court.

The Commission will consider all comments and concerns equally, whether filed by commenters or those requesting intervenor status.

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Energy Regulatory Commission Sections 7 and 15 of the Natural Gas Act and Commission's Rules of Practice and Procedure, a hearing will be held without further notice before the Commission or its designee on this application if no motion to intervene is filed within the time required herein, if the Commission on its own review of the matter finds that a grant of the certificate is required by the public convenience and necessity. If a motion for leave to intervene is timely filed, or if the commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Midcoast to appear or be represented at the hearing.

Linwood A. Watson, Jr.,

Acting Secretary.

[FR Doc. 98–5776 Filed 3–5–98; 8:45 am]

BILLING CODE 6717–01–M

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket Nos. EC96–19–014 and ER96–1663–015]

Pacific Gas and Electric Company, San Diego Gas & Electric Company, and Southern California Edison Company; Notice of Filing

February 27, 1998.

Take notice that on February 19, 1998, the California Independent System Operator Corporation (ISO), filed for Commission acceptance in this docket, pursuant to Section 205 of the Federal Power Act, an application to amend the ISO Tariff and Settlement and Billing Protocol and a motion for waiver of the 60-day notice requirement. The ISO requests that the proposed ISO Tariff and Settlement and Billing Protocol amendments be made effective as of the ISO Operations Date.

The ISO states that the proposed ISO Tariff and ISO Settlement and billing Protocol amendments would revise the allocation of voltage Support and Black Start services costs, revise Appendix F to the Settlement and billing Protocol regarding the disbursement of Wheeling Revenues and correct an inadvertent change that was made in a previous filing on the equation for the calculation of import deviations at Scheduling Points, which is used in the calculation of the Imbalance Energy Charge. The ISO states that the proposed ISO Tariff and ISO Settlement and Billing Protocol amendments are necessary for the initial operations of the ISO.

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 March 12, 1998. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a motion to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

Linwood A. Watson, Jr.,

Acting Secretary.

[FR Doc. 98–5780 Filed 3–5–98; 8:45 am]

BILLING CODE 6717–01–M

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket Nos. EC96–19–015 and ER96–1663–016]

Pacific Gas and Electric Company San Diego Gas & Electric Company, and Southern California Edison Company; Notice of Filing

February 27, 1998.

Take notice that on February 25, 1998, the California Independent System Operator Corporation (ISO), filed for Commission acceptance in this docket, pursuant to Section 205 of the Federal Power Act, an application to amend the ISO Tariff, including the ISO Protocols, and a motion for waiver of the 60-day notice requirement. The ISO requests that the proposed amendments be made effective as of the ISO Operations Date.

The ISO states that the proposed amendments, which would create a new definition for the ISO Control Area distinct from the ISO Controlled Grid and from any other Control Area, are necessary for the initial operations of the ISO.

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, NE., Washington, DC 20426, in accordance with Rules 211 and 214 of the Commission's Rules of Practice and Procedure (18 CFR 385.211 and 18 CFR 385.214). All such motions or protests should be filed on or before March 12, 1998. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a motion to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

Linwood A. Watson, Jr.,

Acting Secretary.

[FR Doc. 98–5781 Filed 3–5–98; 8:45 am]

BILLING CODE 6717–01–M

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket Nos. EC96–19–016 and ER96–1663–017]

Pacific Gas and Electric Company, San Diego Gas & Electric Company, and Southern California Edison Company; Notice of Filing

February 27, 1998.

Take notice that on February 25, 1998, the California Independent System Operator Corporation (ISO), filed for Commission acceptance in this docket, pursuant to Section 205 of the Federal Power Act, an application to amend the ISO Tariff, including the ISO Protocols, and a motion for waiver of the 60-day notice requirement. The ISO requests that the proposed amendments be made effective as of the ISO Operations Date.

The ISO states that the proposed amendments, which would preserve, after the ISO Operations Date, the priority that certain Eligible Regulatory Must-Take Generation and Eligible Regulatory Must-Run Generation currently enjoy in access to Available Transfer Capacity on Congested Inter-Zonal Interfaces, are necessary for the initial operations of the ISO.

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 March 12, 1998. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a motion to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

Linwood A. Watson, Jr.,

Acting Secretary.

[FR Doc. 98–5782 Filed 3–5–98; 8:45 am]

BILLING CODE 6717–01–M

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Project No. 2149–070]

Public Utility District No. 1 of Douglas County, Washington; Notice of Application for Approval of Canadian Entitlement Allocation Extension Agreement Beyond the Term of the License

March 2, 1998.

On February 17, 1997, pursuant to Section 22 of the Federal Power Act, 16 U.S.C. 815, Public Utility District No. 1 of Douglas County, Washington (Douglas), filed an application requesting Commission approval of the Canadian Entitlement Allocation Extension Agreement (CEAA) for the Wells Project No. 2149, for a period extending approximately 12 years beyond the 2012 expiration date of the license. The project is located on the Columbia River in Chelan, Douglas, and Okanogan Counties, Washington.

Section 22 provides that contracts for the sale and delivery of power for periods extending beyond the termination date of a license may be entered into upon the Joint approval of the Commission and the appropriate state public service commission or other similar authority in the state in which the sale or delivery of power is made. Douglas states in its application that approval of the CEAA is in the public interest because it implements provisions of a 1961 Treaty between the United States and Canada, 15 U.S.T. 1555.

The CEAA was executed on April 29, 1997, between Douglas and the United States of America, acting by and through the Bonneville Power Administration and provides for delivery of power from the Wells Project for transfer to Canada in exchange for Douglas' use of the improved streamflow provided by Canadian water storage projects pursuant to the 1961 Treaty. Douglas will retain one-half of the power generation benefits of the improved streamflow.

Anyone may submit comments, a protest, or a motion to intervene in accordance with the requirements of the Commission's Rules of Practice and Procedure, 18 CFR 385.210, 385.211 and 385.214. In determining the appropriate action to take, the Commission will consider all protests and other comments, but only those who file a motion to intervene may become a party to the proceeding. Comments, protests, or motions to intervene must be filed on or before April 6 1998; must bear in all capital letters the title ''COMMENTS,'' ''PROTESTS,'' or ''MOTION TO INTERVENE,'' as applicable, and ''Project No. 2149.'' Send the filings (original and 8 copies) to: The Secretary, Federal Energy Regulatory Commission, 888 First Street, N.E. Washington, D.C. 20426. A copy of any filing must also be served upon each representative of the license specified in its application.

David P. Boergers,

Acting Secretary.

[FR Doc. 98–5777 Filed 3–5–98; 8:45 am]

BILLING CODE 6717–01–M

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket No. CP98–248–000]

Texas Gas Transmission Corporation; Notice of Request Under Blanket Authorization

March 2, 1998.

Take notice that on February 23, 1998, Texas Gas Transmission Corporation (Texas Gas), Post Office Box 20008, Owensboro, Kentucky 42304, filed in Docket No. CP98–248–000 a request pursuant to Sections 157.205 and 157.216 of the Commission's Regulations under the Natural Gas Act (18 CFR 157.205 and 157.216) for permission and approval to abandon, by removal, the Madison (Locust Creek) delivery meter station located on Texas Gas' mainline system in Carroll County, Kentucky. Texas Gas makes such request under its blanket certificate issued in Docket No. CP82–407–000 pursuant to Section 7 of the Natural Gas Act, all as more fully set forth in the request on file with the Commission and open to public inspection.

Texas Gas states that the Locust Creek delivery meter station was constructed in 1950 under Docket No. G–859, to provide Indiana Gas Company, Inc. (Indiana Gas), a local distribution company, with service for Indiana Gas' Madison, Indiana market area. It is stated that Indiana Gas has requested that the Locust Creek delivery meter station be removed as unnecessary since the shipper receives deliveries from Texas Gas at the newly constructed Moorefield delivery point in Switzerland County, Indiana. The Moorefield delivery point now provides service to the same market area that the Locust Creek delivery meter station has traditionally served.

It is therefore averred that service to Indiana Gas will not be affected by the

abandonment of the Locust Creek delivery meter station.

Specifically, Texas Gas proposes to remove two 4-inch meter runs and related piping, meter building and flow measurement equipment, at an estimated removal cost of $11,000.

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.

David P. Boergers,

Acting Secretary.

[FR Doc. 98–5778 Filed 3–5–98; 8:45 am]

BILLING CODE 6717–01–M

ENVIRONMENTAL PROTECTION AGENCY

[FRL–5974–8]

Agency Information Collection Activities: Submission for OMB Review; Comment Request; National Oil and Hazardous Substances Pollution Contingency Plan

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice.

SUMMARY: In compliance with the Paperwork Reduction Act (44 U.S.C. 3051 *et seq.*), this document announces that the following Information Collection Request (ICR) has been forwarded to the Office of Management and Budget (OMB) for review and approval: National Oil and Hazardous Substances Pollution Contingency Plan, OMB No. 2050–0096, expiring 4/30/98. The ICR describes the nature of the information collection and its expected burden and cost; where appropriate, it includes the actual data collection instruments.

DATES: Comments must be submitted on or before April 6, 1998.

FOR FURTHER INFORMATION CONTACT: Contact Sandy Farmer at EPA by phone at (202) 260–2740, by E-mail at farmer.sandy@epamail.epa.gov, or download off the Internet at http://www.epa.gov/icr and refer to EPAC ICR No. 1463.04.

SUPPLEMENTARY INFORMATION:

Title: National Oil and Hazardous Substances Pollution Contingency Plan (OMB Control No. 2050–0096; EPA ICR No. 1463.04) expiring 4/30/98. This request seeks extension of a currently approved collection.

Abstract: The Comprehensive Environmental Response, Compensation, and Liability Act of 1980 (CERCLA or Superfund; 42 U.S.C. 9601 *et seq.*) as amended, establishes broad authority to undertake removal and remedial actions in response to releases or threats of releases of hazardous substances and certain pollutants and contaminants into the environment. The NCP sets forth requirements for carrying out the response authorities established under CERCLA. In addition, the Government Performance and Results Act of 1993 requires EPA to determine and report to Congress on its effectiveness, including community involvement activities.

For states, this ICR addresses the record keeping and reporting provisions of the NCP that affect those states that voluntarily participate in the remedial phase of the Superfund program. Remedial responses under the Superfund program fall into the pre-remedial phase (during which the extent of site contamination is assessed) and the remedial phase (during which investigations are conducted to identify and characterize contaminants present and to determine viable remedies for a site, the remedy is chosen and the cleanup or construction is completed). The NCP includes the following reporting and record keeping provisions for the remedial phase of the Superfund program:

(1) States that voluntarily take the lead in remedial activities at Superfund sites must conduct the activities in a manner consistent with CERCLA (40 CFR 300.515(a)). Therefore, at a state-led site, the state must: develop a Remedial Investigation/Feasibility Study (RI/FS); prepare a Proposed Plan; issue a Record of Decision (ROD); complete community interviews; prepare a Community Involvement Plan (CIP), and provide information to the public; and

(2) States must identify and communicate potential state applicable or relevant and appropriate requirements (ARARs) at all Superfund sites within the state (40 CFR 300.400(g)).

In addition, this ICR addresses the record keeping and reporting provisions of the NCP that affect communities voluntarily providing their concerns to the lead agency about the Superfund process. This ICR also addresses the record keeping and reporting provisions imposed on communities when those communities provide feedback on community involvement activities tied to GPRA. Community involvement related to NCP requirements and GPRA reporting may occur during all phases of the Superfund process including, pre-remedial, remedial removal (short-term response actions), and operation and maintenance (which may include such activities as ground water and air monitoring, inspection and maintenance of the treatment equipment remaining on site, and maintenance of any security measures or institutional controls) Specifically, members of the community surrounding a Superfund site may participate in community interviews (40 CFR 300.23(c)) conducted by EPA in order to prepare a CIP or serve on Technical Assistance Grant groups, as provided for in Superfund Amendments and Reauthorization Act (SARA) of 1986, as well as in Community Advisory Groups (CAG), as provided for in the Superfund Administrative Reforms. Community groups focused on the technical assistance provided through the Technical Outreach Services for communities (TOSC) program may also participate.

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 control numbers for EPA's regulations are listed in 40 CFR part 9 and 48 CFR Chapter 15. The **Federal Register** document required under 5 CFR 1320.8(d) which solicited comments on this collection of information was published on December 1, 1997; no comments were received.

Burden Statement: The annual public reporting and record keeping burden for a state agency for this collection of information is estimated to average 1108 hours per response. The annual public reporting and record keeping burden for a community group for this collection of information is estimated to average 33 hours per response. Burden means the total time, effort, or financial resources expended by persons to generate, maintain, retain, or disclose or provide information to or for a Federal agency. This includes the time needed to review instructions; develop, acquire, install, and utilize technology and systems for the purposes of collecting, validating, and verifying information, processing and maintaining information, and disclosing and providing information; adjust the existing ways to comply with any previously applicable instructions

and requirements; train personnel to be able to respond to a collection of information; search data sources; complete and review the collection of information; and transmit or otherwise disclose the information.

Respondents/Affected Entities: State environmental agency and community groups.

Estimated Number of Respondents: 806.

Frequency of Response: As required.

Estimated Total Annual Hour Burden: 113,490 hours.

Estimated Total Annualized Cost Burden: 0.

Send comments on the Agency's need for this information, the accuracy of the provided burden estimates, and any suggested methods for minimizing respondent burden, including through the use of automated collection techniques to the following addresses. Please refer to EPA ICR No. 1463.04 and OMB Control No. 2050–0096 in any correspondence.

Ms. Sandy Farmer, U.S. Environmental Protection Agency, OPPE Regulatory Information Division (2137), 401 M Street, SW, Washington, DC 20460.

and

Office of Information and Regulatory Affairs, Office of Management and Budget, Attention: Desk Officer for EPA, 25 17th Street, NW, Washington, DC 20503.

Dated: March 2, 1998.

Joseph Retzer, Director,

Regulatory Information Division.

[FR Doc. 98–5853 Filed 3–5–98; 8:45 am]

BILLING CODE 6560–50–M

ENVIRONMENTAL PROTECTION AGENCY

[ER–FRL–5489–6]

Environmental Impact Statements and Regulations; Availability of EPA Comments

Availability of EPA comments prepared February 16, 1998 Through February 20, 1998 pursuant to the Environmental Review Process (ERP), under Section 309 of the Clean Air Act and Section 102(2)(c) of the National Environmental Policy Act as amended. Requests for copies of EPA comments can be directed to the 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 11, 1998 (62 FR 16154).

Draft EISs

ERP No. D–AFS–L61216–WA Rating LO, White Pass Ski Area Expansion, Special-Use-Permit, Pigtail Basin and Hogback Basin, Wenatchee and Gifford, Pinchot National Forests, Yakima and Lewis Counties, WA.

Summary: EPA Region 10 used a screening tool to conduct a limited review of the White Pass Ski Area. Based upon the screen, EPA does not foresee having any environmental objections to the proposed project. Therefore, EPA will not be conducting a detailed review.

ERP No. D–FAA–B51025–NH Rating EC2, Manchester (New Hampshire) Airport Master Plan Update, Improvements to Airside and Landside Facilities, Airport Layout Plan, Permits and Approvals, Manchester, NH.

Summary: EPA expressed environmental concerns regarding wetland and air quality impact. EPA requested additional wetland mitigation and air conformity analysis.

ERP No. D–FHW–L40203–AK Rating EO2, Juneau Access Transportation Project, Improvements in the Lynn Canal/Taiya Inlet Corridor between Juneau and Haines/Skagway, Special-Use-Permit and COE Section 10 and 404 Permits, Tongass National Forest, Klondike Gold Rush National Historic Park, Haines State Forest, City and Borough of Juneau, Haines Borough, Cities Haines and Skagway, AK.

Summary: EPA expressed environmental objections to the East Lynn Canal Highway alternative due to potentially significant impacts to Berners Bay, an area containing high resource and recreational values. EPA also identified the need for additional cumulative/indirect induced impact analyses, further discussion and analyses of project economics, and numerous technical analyses be conducted and presented in the final EIS.

ERP No. D–FTA–J40143–UT Rating EC2, University-Downtown-Airport Transportation Corridor, Major Investment Study, Construction and Operation of the East-West Corridor Light Rail Transit (LRT), Transportation System Management (TSM) and Central Business District (CBD), Funding, Salt Lake County, UT.

Summary: EPA expressed environmental concerns regarding air quality and construction impact and requested that these issues be clarified in the Final EIS.

ERP No. D–USA–J11014–CO Rating LO, United States Army Garrison, Fitzsimons (Formerly Fitzsimons Army Medical Center) Disposal and Reuse for BRAC–95, Implementation, City of Aurora, Denver County, CO.

Summary: EPA had no objections to the action as proposed.

ERP No. D–USN–E11041–00 Rating EC2, Cecil Field Naval Air Station, Realignment of F/A–18 Aircraft and Operational Functions, to Other East Coast Installations; NAS Oceana, VA; MCAS Beaufort, SC and MCAS Cherry Point, NC, Implementation, COE Section 404 Permit, FL, SC, NC and VA.

Summary: EPA expressed environmental concern regarding the noise, transportation, air and water quality, environmental contamination, and terrestrial environmental impacts associated with proposed realignment.

ERP No. D–USN–K11084–CA Rating EC2, Miramar Naval Air Station Realignment of E–2 Aircraft Squadrons, Three Installations are consider: Point Muga Naval Air Weapons Station, Lemoore Naval Air Station and El Centro, Ventura, Fresno, King and Imperial Counties, CA.

Summary: EPA requested additional information on project description, biological resources, and land use noise compatibility. In particular, EPA is concerned by the analysis of the no action alternative.

Final EISs

ERP No. F–FRC–L05207–WA Nooksack River Basin Hydroelectric Projects, Seven Projects—(FERC No. 4628) (FERC No. 4738) (FERC No. 4270) (FERC No. 4282) (FERC No. 9231) (FERC No. 4312) and (FERC No. 3721) Construction and Operation, Licensing, Whatcom County, WA.

Summary: EPA Region 10 used a screening tool to conduct a limited review of this action. Based upon the screen, EPA does not foresee having any environmental objections to the proposed project. Therefore, EPA will not be conducting a detailed review.

ERP No. F–GSA–J81009–CO Denver Federal Center Master Site Plan, implementation, City of Lakewood, Jefferson County, CO.

Summary: EPA continues to have concern regarding this project and its relationship to the RCRA Consent Decree. In addition EPA believes additional information on groundwater sites and impacts to those sites should have been provided.

ERP No. F–IBR–K64016–CA Hamilton City Pumping Plant, Fish Screen Improvement Project, COE Section 10 and 404 Permits, Central Valley, Butte, Colusa, Glenn and Tehama Counties, CA.

Summary: Review of the Final EIS was not deemed necessary. No formal comment letter was sent to the preparing agency.

ERP No. F–AF–J11012–00 Colorado Airspace Initiative, Modifications to the National Airspace System, such as the

F–16 Aircraft and Aircrews of the 140th Wing of the Colorado Air National Guard, also existing Military Operations Areas (MOAs) and Military Training Routes (MTRs), CO, NM, KS, NB and WY.

Summary: Based on the disclosures of impacts and further mitigation proposed in the FEIS, the EPA believes the preferred alternative can be implemented without significant impacts to the environment.

ERP No. F–UMC–K36048–CA Santa Margarita River Flood Control Project (MILCON P–010) and Basilone Road Bridge Replacement Project (MILCON P–030), Construction and Operation, COE Section 404 Permit, Camp Pendleton, CA.

Summary: EPA continues to expressed environmental concerns related to Clean Water Act 404 (b)(1) Guidelines; particularly. EPA believes that additional analysis is required to address less-damaging off-site alternatives sufficient mitigation measures is recommended.

Dated: March 3, 1998.

William D. Dickerson,

Director, NEPA Compliance Division, Office of Federal Activities.

[FR Doc. 98–5842 Filed 3–5–98; 8:45 am]

BILLING CODE 6560–50–P

ENVIRONMENTAL PROTECTION AGENCY

[ER–FRL–5489–5]

Environmental Impact Statements; Notice of Availability

Responsible Agency: Office of Federal Activities,General Information (202) 564–7167 or (202) 564–7153.

Weekly receipt of Environmental Impact Statements

Filed February 23, 1998 Through February 27, 1998

Pursuant to 40 CFR 1506.9

EIS No. 980058, DRAFT EIS, BIA, NM, High Mesa Environmental Facility, Construction and Operation, Approval of Lease for Disposal of Municipal Solid Waste, Nambi Indian Reservation, Santa Fe County, NM, Due: April 20, 1998, Contact: Al Sedick (505) 766–1039.

EIS No. 980059, FINAL EIS, FHW, PA, Tunkhannock Transportation Improvement Project, Improvement along US–6 (S.R. 0006 Section E12) through the Borough of Tunkhannock and Tunkhannock Township, Possible COE Section 404 Permit, Wyoming County, PA, Due: April 06, 1998, Contact: Ronald W. Carmichael (717) 221–3461.

EIS No. 980060, FINAL SUPPLEMENT, USA, MS Camp Shelby Continued Military Training Activities, Use of National Forest Lands, Updated Information, Final Site Selected Authorization for Implementation of the Proposed G.V. (Sonny) Montgomery Ranges, Special Use Permit, Desoto National Forest, Forrest, George and Perry Counties, MS, Due: April 06, 1998, Contact: Col. Tim Powell (601) 973–6349.

EIS No. 980061, DRAFT EIS, FHW, NC, Mid-Currituck Sound Bridge, between U.S 158 on the Currituck County Mainland and end at NC 12 on the Currituck Outer Banks, US Coast Guard Bridge Permit and COE Section 404 Permit, Currituck County, NC, Due: April 30, 1998, Contact: Nicholas L. Graf, P.E. (919) 856–4346.

EIS No. 980062, DRAFT SUPPLEMENT, COE, MS, Mississippi River and Tributaries Flood Control Plan, To Construct the Remaining portion of Mississippi River Mainline Levees Enlargement and Seepage Control, Flood Protection and Damage Reduction, Lower Mississippi River Valley, Cape Girardeau, MO, IL, KY, TN, AR and MS, Due: April 20, 1998, Contact: Gary Young (601) 631–5960.

Amended Notices

EIS No. 980006, DRAFT SUPPLEMENT, EPA, CA, International Wastewater Treatment Plant and Outfall Facilities, Construction, Operation and Maintenance, Construction Grants, CA and Mexico Due: March 23, 1998, Contact: Elizabeth Borowiec (415) 744–1165.

Published FR—1–23–98—Review Period extended.

EIS No. 980050, REVISED DRAFT EIS, DOI, TT, Palau Compact Road Construction, Revision to Major Transportation and Communication Link on the Island of Babeldaob, Implementation, Funding, Republic of Palau, Babeldaob Island, Trust Territory of the Pacific Islands, Due: April 13, 1998, Contact: Allen Chin (808) 438–6974.

Published FR—02–27–98—Due Date correction.

Dated: March 3, 1998.

William D. Dickerson,

Director, NEPA Compliance Division, Office of Federal Activities.

[FR Doc. 98–5843 Filed 3–5–98; 8:45 am]

BILLING CODE 6560–50–M

ENVIRONMENTAL PROTECTION AGENCY

[OPP–00524; FRL–5769–5]

Notice of Availability of Regional Pesticide Environmental Stewardship Program Grants

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice of availability of regional Pesticide Environmental Stewardship Program (PESP) Grants.

SUMMARY: EPA is announcing the availability of approximately $498 thousand in fiscal year 1998 grant/cooperative agreement funds under section 20 of the Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA) as amended, (the Act), for grants to States and all Federally recognized Native American Tribes. The grant dollars are targeted at State and Tribal programs that address reduction of the risks associated with pesticide use in agricultural and non-agricultural settings in the United States. EPA's Office of Pesticide Programs is offering the following grant opportunities to interested and qualified parties.

DATES: In order to be considered for funding during the FY'98 award cycle, all applications must be received by the appropriate EPA regional office on or before May 20, 1998. EPA will make its award decisions by June 19, 1998.

FOR FURTHER INFORMATION CONTACT: Your EPA Regional PESP Coordinator. Contact names for the coordinators are listed under Unit IV. of this document.

SUPPLEMENTARY INFORMATION:

I. Availability of FY'98 Funds

With this publication, EPA is announcing the availability of approximately $498 thousand in grant/cooperative agreement funds for FY'98. The Agency has delegated grant making authority to the EPA Regional Offices. Regional offices are responsible for the solicitation of interest, the screening of proposals, and the selection of projects. Grant guidance will be provided to all applicants along with any supplementary information the Regions may wish to provide. All applicants must address the criteria listed under Unit III.B. of this document. In addition, applicants may be required to meet any supplemental Regional criteria. Interested applicants should contact their Regional PESP coordinator listed under Unit IV. of this document for more information.

II. Eligible Applicants

In accordance with the Act ''. . . Federal agencies, universities, or others as may be necessary to carry out the purposes of the act, . . .'' are eligible to receive a grant; however, because of restrictions associated with the funds appropriated for this program, the eligible applicants are limited. Eligible applicants for purposes of funding under this grant program include the 50 States, the District of Columbia, the U.S. Virgin Islands, the Commonwealth of Puerto Rico, any territory or possession of the United States, any agency or instrumentality of a State including State universities, and all Federally recognized Native American tribes. For convenience, the term ''State'' in this notice refers to all eligible applicants. Local governments, private universities, private nonprofit entities, private businesses, and individuals are not eligible. The organizations excluded from applying directly are encouraged to work with eligible applicants in developing proposals that include them as participants in the projects. Contact your EPA Regional PESP coordinator for assistance in identifying and contacting eligible applicants. EPA strongly encourages this type of cooperative arrangement.

III. Activities and Criteria

A. General

The goal of PESP is to reduce the risks associated with pesticide use in agricultural and non-agricultural settings in the United States. The purpose of the grant program is to support the establishment and expansion of Integrated Pest Management (IPM) as a tool to be used to accomplish the goals of PESP. The grant program is also designed to research alternative pest management practices, research and publish/demonstrate unique application techniques, research control methods for pest complexes, research and produce educational materials for better pest identification or management, and other activities that further the goals of PESP. EPA specifically seeks to build State and local IPM capacities or to evaluate the economic feasibility of new IPM approaches at the State level (i.e., innovative approaches and methodologies that use application or other strategies to reduce the risks associated with pesticide use). Funds awarded under the grant program should be used to support the Environmental Stewardship Program and its goal of reducing the risk/use of pesticides. State projects might focus on, for example:

- Researching the effectiveness of multimedia communication activities for, including but not limited to: promoting local IPM activities, user-community awareness of new innovative techniques for using pesticides, providing technical assistance to pesticide users; collecting and analyzing data to target outreach and technical assistance opportunities; conducting outreach activities; developing measures to determine and document progress in pollution prevention; and identifying regulatory and non-regulatory barriers or incentives to pollution prevention and developing plans to implement solutions, where possible.
- Researching methods for establishing IPM as an environmental management priority, establishing prevention goals, developing strategies to meet those goals, and integrating the ethic within both governmental and nongovernmental institutions of the State or region.
- Initiating research or other projects that test and support: innovative techniques for reducing pesticide risk or using pesticides in a way to reduce risk, innovative application techniques to reduce worker and environmental exposure, various approaches and methodologies to measure progress towards meeting the goal of 75% implementation of IPM by the year 2000. Examples of projects funded in FY'97 include:

A Massachusetts project evaluated sterilizing nematode to control western flower thrips in greenhouse crops. The goal of this project is to optimize spray application protocols for the effective use of insect-killing fungi on greenhouse ornamentals and encourage their use, along with other IPM technologies.

A New Jersey project evaluated the effectiveness of non-woven obstructive barriers for control of insect pests. This project researched the abilities of this new (non-chemical) technology to control insects.

An Indiana project evaluated the reduction of herbicides in corn and soybeans by site-specific chemical application technologies.

A Missouri project quantified the reduction in herbicide use on corn with herbicide-tolerant hybrids.

A California project evaluated the effectiveness of establishing native, non-crop farm scape vegetation for erosion control and pesticide use reduction in strawberries in California's Monterey Bay Area.

A Florida project proposed to develop, test, evaluate, and deliver a model IPM contract available for use by any school district, city or county government to control pest in schools.

B. Criteria

Proposals will be evaluated based on the following criteria.

1. Qualifications and experience of the applicant relative to the proposed project.

- Does the applicant demonstrate experience in the field of the proposed activity?
- Does the applicant have the properly trained staff, facilities, or infrastructure in place to conduct the project?

2. Consistency of applicant's proposed project with the risk reduction goals of the PESP.

3. Provision for a quantitative or qualitative evaluation of the project's success at achieving the stated goals.

- Is the project designed in such a way that it is possible to measure and document the results quantitatively and qualitatively?
- Does the applicant identify the method that will be used to measure and document the project's results quantitatively and qualitatively?
- Will the project assess or suggest a means for measuring progress in reducing risk/use of pesticides in the United States?

4. Likelihood the project can be replicated to benefit other communities or the product may have broad utility to a widespread audience. Can this project, taking into account typical staff and financial restraints, be replicated by similar organizations in different locations to address the same or similar problem?

C. Program Management

Awards of FY'98 funds will be managed through the EPA Regional Offices.

D. Contacts

A generic request for proposal will be available on EPA's PESP website on or before March 20, 1998 at http://www.epa.gov/oppbppd1/PESP/. Interested applicants must also contact the appropriate EPA Regional PESP coordinator listed under Unit IV. of this document to obtain specific instructions, Regional criteria and guidance for submitting proposals.

IV. Regional Pesticide Environmental Stewardship Program Contacts

Region I: (Connecticut, Massachusetts, Maine, New Hampshire, Rhode Island, Vermont), Robert Koethe, (CPT), 1 Congress St., Boston, MA 02203, Telephone: (617) 565-3491, koethe.robert@epamail.epa.gov

Region II: (New York, New Jersey, Puerto Rico, Virgin Islands), Fred Kozak, (MS-240), 2890 Woodbridge Ave., Edison, NJ 08837, Telephone: (732) 321-6769, kozak.fred@epamail.epa.gov

Region III: (Delaware, Maryland, Pennsylvania, Virginia, West Virginia, District of Columbia), Lisa Donahue, (3WC32), 841 Chestnut Bldg., Philadelphia, PA 19107, Telephone: (215) 566-2062, donahue.lisa@epamail.epa.gov

Region IV: (Alabama, Florida, Georgia, Kentucky, Mississippi, North Carolina, South Carolina, Tennessee), Cheryl Prinster, 12th Floor, Atlanta Federal Center, 61 Forsyth St., SW., Atlanta, GA 30303-3104, Telephone: (404) 562-9005, prinster.cheryl@epamail.epa.gov

Region V: (Illinois, Indiana, Michigan, Minnesota, Ohio, Wisconsin), David Macarus, (DRT-8J), 77 West Jackson Blvd., Chicago, IL 60604, Telephone (312) 353-5814, macarus.david@epamail.epa.gov

Region VI: (Arkansas, Louisiana, New Mexico, Oklahoma, Texas), Jerry Collins, (6PD-P), 1445 Ross Ave., 6th Floor, Suite 600, Dallas, TX 75202, Telephone: (214) 665-7562, collins.jerry@epamail.epa.gov

Region VII: (Iowa, Kansas, Missouri, Nebraska), Glen Yager, 726 Minnesota Ave., Kansas City, KS 66101, Telephone: (913) 551-7296, yager.glen@epamail.epa.gov

Region VIII: (Colorado, Montana, North Dakota, South Dakota, Utah, Wyoming), John Larson, (8P2-TX), 999 18th St., Suite 500, Denver, CO 80202-2466, Telephone: (303) 312-6030, larson.john@epamail.epa.gov

Region IX: (Arizona, California, Hawaii, Nevada, American Samoa, Guam), Roccena Lawatch, (CMD4-3), 75 Hawthorne St., San Francisoco, CA 94105, Telephone: (415) 744-1068, lawatch.roccena@epamail.epa.gov

Region X: (Alaska, Idaho, Oregon, Washington), Karl Arne, (ECO-084), 1200 Sixth Ave., Seattle, WA 98101. Telephone: (206) 553-2576, arne.karl@epamail.epa.gov

List of Subjects

Environmental protection.

Dated: February 26, 1998.

Janet L. Andersen,

Director, Biopesticides and Pollution Prevention Division, Office of Pesticide Programs.

[FR Doc. 98–5854 Filed 3–5–98; 8:45 am]

BILLING CODE 6560–50–F

ENVIRONMENTAL PROTECTION AGENCY

[OPPTS–00233; FRL–5771–3]

Development, Marketing and Distribution of Small Business Accounting Software Templates

AGENCY: Environmental Protection Agency (EPA).

ACTION: Call for Commercial Partners.

SUMMARY: The EPA seeks to establish a Cooperative Research and Development Agreement (CRADA) with a commercial partner to develop, market and distribute to small businesses accounting software templates designed to introduce small and medium-sized businesses to the concepts of environmental accounting and encourage eco-efficiency through pollution prevention. CRADAs are vehicles for government and industry to cooperatively develop technologies to then be distributed in the marketplace by the commercial partner. Under the Federal Technology Transfer Act of 1986, Federal laboratories or offices are permitted to establish CRADAs with private industry for the purpose of enhancing the competitiveness of American industry. This is not a Federal contract.

DATES: To be considered for this project, letters of inquiry or e-mail must be received by March 15, 1998.

ADDRESSES: Send letters of inquiry to: Kristin Pierre, Environmental Accounting Project, (7409) Rm #ET406, U.S. Environmental Protection Agency, 401 M St., SW., Washington, DC 20460, phone: 202–260–3068; fax: 202–260–0178; e-mail:pierre.kristin@epamail.epa.gov.

FOR FURTHER INFORMATION CONTACT: Susan B. Hazen, Director, Environmental Assistance Division (7408), Office of Pollution Prevention and Toxics, Environmental Protection Agency, Rm. E–545, 401 M St., SW., Washington, DC, 20460, (202) 554–1404, TDD (202) 554–0551; e-mail: TSCA-Hotline@epamail.epa.gov.

SUPPLEMENTARY INFORMATION: The Environmental Protection Agency is seeking an established off-the-shelf accounting software provider (commercial partner) for the development, marketing and distribution of small business accounting software templates designed to introduce small and medium-sized businesses to the concepts of environmental accounting and encourage eco-efficiency through pollution prevention (P2). Environmental accounting encourages the incorporation of not only costs historically associated with environmental, health, and safety, but also costs associated with material, labor, and capital resources into mainstream business practices. Recognition of these costs, which are traditionally buried in overhead accounts, will reveal cost-effective opportunities to prevent pollution and eliminate wastes. Waste and pollution are a red flag for manufacturing inefficiency or profits being lost in the form of waste.

Efficient use of materials/resources can assist businesses to simultaneously meet cost, quality, performance goals, reduce environmental impacts and conserve valuable resources. These templates will provide information that will make apparent the financial burden created by material inefficiencies and waste. Already, many firms have begun to pursue pollution prevention strategies that emphasize materials eco-efficiency, i.e., reducing the consumption and/or the waste proportion of purchased materials. Environmental accounting will enable companies to quantify the economic value added from these eco-efficiency initiatives. This can encourage business decisions that are both financially superior and beneficial to the environment.

The U.S. EPA's Environmental Accounting Project is sponsoring the development of this project. If interested, please send a letter or e-mail requesting additional information. You will receive a package of information providing a detailed description of the project and next step options. In order to be considered, letters or e-mail must be received by March 15, 1998.

Dated: February 26, 1998.

William H. Sanders, III,

Director, Office of Pollution Prevention and Toxics.

[FR Doc. 98–5858 Filed 3–5–98; 8:45 am]

BILLING CODE 6560–50–F

ENVIRONMENTAL PROTECTION AGENCY

[OPP–60053; FRL–5770–5]

Intent To Suspend Certain Pesticide Registrations

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice of issuance of notices of intent to suspend.

SUMMARY: This Notice, pursuant to section 6(f)(2) of the Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA), 7 U.S.C. 136 *et seq.*, announces

that EPA has issued Notices of Intent to Suspend pursuant to sections 3(c)(2)(B) and 4 of FIFRA. The Notices were issued following issuance of Section 4 Reregistration Requirements Notices by the Agency and the failure of registrants subject to the Section 4 Reregistration Requirements Notices to take appropriate steps to secure the data required to be submitted to the Agency. This Notice includes the text of a Notice of Intent to Suspend, absent specific chemical, product, or factual information. Table A of this Notice further identifies the registrants to whom the Notices of Intent to Suspend were issued, the date each Notice of Intent to Suspend was issued, the active ingredient(s) involved, and the EPA registration numbers and names of the registered product(s) which are affected by the Notices of Intent to Suspend. Moreover, Table B of this Notice identifies the basis upon which the Notices of Intent to Suspend were issued. Finally, matters pertaining to the timing of requests for hearing are specified in the Notices of Intent to Suspend and are governed by the deadlines specified in section 3(c)(2)(B). As required by section 6(f)(2), the Notices of Intent to Suspend were sent by certified mail, return receipt requested, to each affected registrant at its address of record.

FOR FURTHER INFORMATION CONTACT: Francisca Liem, Office of Compliance (2225A), Agriculture and Ecosystem Division, Environmental Protection Agency, 401 M St., SW., Washington, DC 20460, (202) 564–2365.

SUPPLEMENTARY INFORMATION:

I. Text of a Notice of Intent to Suspend

The text of a Notice of Intent to Suspend, absent specific chemical, product, or factual information, follows:

United States Environmental Protection Agency

Office of Prevention, Pesticides and Toxic Substances

Washington, DC 20460

Certified Mail

Return Receipt Requested

Fairfax Biological Laboratories
P.O. Box 300, Electronic Road
Clinton Corners, NY 12514
SUBJECT: Suspension of Registration of Pesticide Product(s) Containing *Bacillus popillae* and *Bacillus lentimorbus* for Failure to Comply with the *Bacillus popillae* and *Bacillus lentimorbus* Section 4 Phase 5 Reregistration Eligibility Document Data Call-In Notice Dated September 30, 1992

Dear Sir/Madam:

This letter gives you notice that the pesticide product registrations listed in Attachment I will be suspended 30 days from your receipt of this letter unless you take steps within that time to prevent this Notice from automatically becoming a final and effective order of suspension. The Agency's authority for suspending the registrations of your products is sections 3(c)(2)(B) of the Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA). Upon becoming a final and effective order of suspension, any violation of the order will be an unlawful act under section 12(a)(2)(J) of FIFRA.

You are receiving this Notice of Intent to Suspend because you have failed to comply with the terms of the Phase 5 Reregistration Eligibility Document Data Call-In Notice imposed pursuant to section 4(g)(2)(b) and section (3)(2)(B) of FIFRA.

The specific basis for issuance of this Notice is stated in the Explanatory Appendix (Attachment III) to this Notice. The affected products and the requirements which you failed to satisfy are listed and described in the following three attachments:

Attachment I Suspension Report - Product List

Attachment II Suspension Report - Requirement List

Attachment III Suspension Report - Explanatory Appendix

The suspension of the registration of each product listed in Attachment I will become final unless at least one of the following actions is completed.

1. You may avoid suspension under this Notice if you or another person adversely affected by this Notice properly request a hearing within 30 days of your receipt of this Notice. If you request a hearing, it will be conducted in accordance with the requirements of section 6(d) of FIFRA and the Agency's procedural regulations in 40 CFR part 164.

Section 3(c)(2)(B), however, provides that the only allowable issues which may be addressed at the hearing are whether you have failed to take the actions which are the bases of this Notice and whether the Agency's decision regarding the disposition of existing stocks is consistent with FIFRA. Therefore, no substantive allegation or legal argument concerning other issues, including but not limited to the Agency's original decision to require the submission of data or other information, the need for or utility of any of the required data or other information or deadlines imposed, and the risks and benefits associated with continued registration of the affected product, may be considered in the proceeding. The Administrative Law Judge shall by order dismiss any objections which have no bearing on the allowable issues which may be considered in the proceeding.

Section 3(c)(2)(B)(iv) of FIFRA provides that any hearing must be held and a determination issued within 75 days after receipt of a hearing request. This 75–day period may not be extended unless all parties in the proceeding stipulate to such an extension. If a hearing is properly requested, the Agency will issue a final order at the conclusion of the hearing governing the suspension of your products.

A request for a hearing pursuant to this Notice must (1) include specific objections which pertain to the allowable issues which may be heard at the hearing, (2) identify the registrations for which a hearing is requested, and (3) set forth all necessary supporting facts pertaining to any of the objections which you have identified in your request for a hearing. If a hearing is requested by any person other than the registrant, that person must also state specifically why he asserts that he would be adversely affected by the suspension action described in this Notice. Three copies of the request must be submitted to: Hearing Clerk, 1900, U.S. Environmental Protection Agency, 401 M St., SW., Washington, DC 20460, and an additional copy should be sent to the signatory listed below. The request must be *received* by the Hearing Clerk by the 30th day from your receipt of this Notice in order to be legally effective. The 30–day time limit is established by FIFRA and cannot be extended for any reason. Failure to meet the 30–day time limit will result in automatic suspension of your registration(s) by operation of law and, under such circumstances, the suspension of the registration for your affected product(s) will be final and effective at the close of business 30 days after your receipt of this Notice and will not be subject to further administrative review.

The Agency's Rules of Practice at 40 CFR 164.7 forbid anyone who may take part in deciding this case, at any stage of the proceeding, from discussing the merits of the proceeding *ex parte* with any party or with any person who has been connected with the preparation or presentation of the proceeding as an advocate or in any investigative or expert capacity, or with any of their representatives. Accordingly, the following EPA offices, and the staffs thereof, are designated as judicial staff to perform the judicial function of EPA in any administrative hearings on this Notice of Intent to Suspend: The Office

of the Administrative Law Judges, the Office of the Judicial Officer, the Administrator, the Deputy Administrator, and the members of the staff in the immediate offices of the Administrator and Deputy Administrator. None of the persons designated as the judicial staff shall have any *ex parte* communication with trial staff or any other interested person not employed by EPA on the merits of any of the issues involved in this proceeding, without fully complying with the applicable regulations.

2. You may also avoid suspension if, within 30 days of your receipt of this Notice, the Agency determines that you have taken appropriate steps to comply with the Section 4 Phase 5 Reregistration Eligibility Document Data Call-In Notice requirements. In order to avoid suspension under this option, you must satisfactorily comply with Attachment II, Requirement List, for each product by submitting all required supporting data/information described in Attachment II and in the Explanatory Appendix (Attachment III) to the following address (preferably by certified mail):

Office of Compliance (2225A), Agriculture and Ecosystems Division, U.S. Environmental Protection Agency, 401 M St., SW., Washington, DC 20460.

For you to avoid automatic suspension under this Notice, the Agency must also determine within the applicable 30–day period that you have satisfied the requirements that are the bases of this Notice and so notify you in writing. You should submit the necessary data/information as quickly as possible for there to be any chance the Agency will be able to make the necessary determination in time to avoid suspension of your product(s).

The suspension of the registration(s) of your company's product(s) pursuant to this Notice will be rescinded when the Agency determines you have complied fully with the requirements which were the bases of this Notice. Such compliance may only be achieved by submission of the data/information described in the attachments to the signatory below.

Your product will remain suspended, however, until the Agency determines you are in compliance with the requirements which are the bases of this Notice and so informs you in writing.

After the suspension becomes final and effective, the registrant subject to this Notice, including all supplemental registrants of product(s) listed in Attachment I, may not legally distribute, sell, use, offer for sale, hold for sale, ship, deliver for shipment, or receive and (having so received) deliver or offer to deliver, to any person, the product(s) listed in Attachment I.

Persons other than the registrant subject to this Notice, as defined in the preceding sentence, may continue to distribute, sell, use, offer for sale, hold for sale, ship, deliver for shipment, or receive and (having so received) deliver or offer to deliver, to any person, the product(s) listed in Attachment I.

Nothing in this Notice authorizes any person to distribute, sell, use, offer for sale, hold for sale, ship, deliver for shipment, or receive and (having so received) deliver or offer to deliver, to any person, the product(s) listed in Attachment I in any manner which would have been unlawful prior to the suspension.

If the registrations of your products listed in Attachment I are currently suspended as a result of failure to comply with another Section 4 Data Requirements Notice or Section 3(c)(2)(B) Data Call-In Notice, this Notice, when it becomes a final and effective order of suspension, will be in addition to any existing suspension, i.e., all requirements which are the bases of the suspension must be satisfied before the registration will be reinstated.

You are reminded that it is your responsibility as the basic registrant to notify all supplementary registered distributors of your basic registered product that this suspension action also applies to their supplementary registered products and that you may be held liable for violations committed by your distributors. If you have any questions about the requirements and procedures set forth in this suspension notice or in the subject section 4 Data Requirements Notice, please contact Francisca Liem at (202) 564–2365.

Sincerely yours,

Director, Agriculture and Ecosystems Division, Office of Compliance

Attachments:
Attachment I - Product List
Attachment II - Requirement List
Attachment III - Explanatory Appendix

II. Registrants Receiving and Affected by Notices of Intent to Suspend; Date of Issuance; Active Ingredient and Products Affected

The following is a list of products for which a letter of notification has been sent:

TABLE A.—LIST OF PRODUCTS

Registrant Affected	EPA Registration Number	Active Ingredient	Name of Product	Date Issued
Fairfax Biological Laboratories	403–9	*Bacillus popillae* and *Bacillus lentimorbus*	Doom Milky Disease Powder	2/6/98

III. Basis for Issuance of Notice of Intent; Requirement List

The following companies failed to submit the following required data or information:

TABLE B.—LIST OF REQUIREMENTS

Active Ingredient	Registrant Affected	Requirement Name	Guideline Reference Number	Original Due Date
Bacillus popillae and *Bacillus lentimorbus*	Fairfax Biological Laboratories	90–Day Response	**	12/20/92
		Acute Pulmonary Toxicity/Pathogenicity	152-30	10/20/93
		Acute Intravenous Toxicity/Pathogenicity	152-32	10/20/93
		Avian Oral Toxicity/Pathogenicity	154-16	10/20/93
		Non-Target Insects	154-23	10/20/93

IV. Attachment III Suspension Report--Explanatory Appendix

This Explanatory Appendix provides a discussion of the basis for the Notice of Intent to Suspend issued herewith.

On September 30, 1992, EPA issued the Phase 5 Reregistration Eligibility Document Data Call-In Notice imposed pursuant to section 4(g)(2)(B) of FIFRA which required registrants of products containing *Bacillus popillae* and *Bacillus lentimorbus* used as the active ingredients to develop and submit certain data. These data/information were determined to be necessary to satisfy reregistration data requirements of section 4(g). Failure to comply with the requirements of a Phase 5 Reregistration Eligibility Document Data Call-In Notice is a basis for suspension under section 3(c)(2)(B) of FIFRA.

The *Bacillus popillae* and *Bacillus lentimorbus* Phase 5 Reregistration Eligibility Document Data Call-In Notice dated September 30, 1992 required each affected registrant to submit data/information to the Agency to address each of the data requirements. Those data/information were required to be received by the Agency within 8 months of the registrant's receipt of the Notice. Fairfax Biological Laboratories was sent the original 1992 Data Call-In. According to a U.S. Postal Service return receipt, you received the original Data Call-In Notice on October 10, 1992. You subsequently failed to respond within 90 days of receipt as required, and failed to submit the required data within 8 months as required. Repeated attempts to contact the company via telephone were unsuccessful. Fairfax was sent a letter on March 25, 1996, with a May 1, 1996 deadline for response to the Data Call-In and its requirements. You received the letter on April 2, 1996, as evidenced by the U.S. Postal Service return receipt. The Agency received no response.

Because you have failed to submit appropriate or adequate data/information within the time provided for the data/information requirements listed in Attachment II and have yet to provide the required response to date, the Agency is issuing this Notice of Intent to Suspend.

V. Conclusions

EPA has issued Notices of Intent to Suspend on the dates indicated. Any further information regarding these Notices may be obtained from the contact person noted above.

List of Subjects

Environmental protection.

Dated: February 18, 1998.

Elaine G. Stanley,

Director, Office of Compliance.

[FR Doc. 98–5855 Filed 3–5–98; 8:45 am]

BILLING CODE 6560–50–F

ENVIRONMENTAL PROTECTION AGENCY

[PF–798; FRL–5777–5]

Notice of Filing of Pesticide Petitions

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice.

SUMMARY: This notice announces the initial filing of pesticide petitions proposing the establishment of regulations for residues of certain pesticide chemicals in or on various agricultural commodities.

DATES: Comments, identified by the docket control number PF–798, must be received on or before April 6, 1998.

ADDRESSES: By mail submit written comments to: Public Information and Records Integrity Branch, Information Resources and Services Divison (7502C), Office of Pesticides Programs, Environmental Protection Agency, 401 M St., SW., Washington, DC 20460. In person bring comments to: Rm. 119, CM #2, 1921 Jefferson Davis Highway, Arlington, VA.

Comments and data may also be submitted electronically to: opp-docket@epamail.epa.gov. Following the instructions under ''SUPPLEMENTARY INFORMATION.'' No confidential business information should be submitted through e-mail.

Information submitted as a comment concerning this document may be claimed confidential by marking any part or all of that information as ''Confidential Business Information'' (CBI). CBI should not be submitted through e-mail. Information marked as CBI will not be disclosed except in accordance with procedures set forth in 40 CFR part 2. A copy of the comment that does not contain CBI must be submitted for inclusion in the public record. Information not marked confidential may be disclosed publicly by EPA without prior notice. All written comments will be available for public inspection in Rm. 119 at the address given above, from 8:30 a.m. to 4 p.m., Monday through Friday, excluding legal holidays.

FOR FURTHER INFORMATION CONTACT: By mail: Joseph Tavano, Product Manager (PM) 10, 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: Rm. 214, CM#2, 1921 Jefferson Davis Hwy., Arlington, VA. 22202, (703) 305–6411; e-mail: tavano.joe@epamail.epa.gov.

SUPPLEMENTARY INFORMATION: EPA has received pesticide petitions as follows proposing the establishment and/or amendment of regulations for residues of certain pesticide chemicals in or on various raw agricultural commodities under section 408 of the Federal Food, Drug, and Comestic Act (FFDCA), 21 U.S.C. 346a. EPA has determined that these petitions contain data or information regarding the elements set forth in section 408(d)(2); however, EPA has not fully evaluated the sufficiency of the submitted data at this time or whether the data supports grantinig of the petition. Additional data may be needed before EPA rules on the petition.

The official record for this notice, as well as the public version, has been established for this notice of filing under docket control number PF–798 (including comments and data submitted electronically as described below). A public version of this record, including printed, paper versions of electronic comments, which does not include any information claimed as CBI, is available for inspection from 8:30 a.m. to 4 p.m., Monday through Friday,

excluding legal holidays. The official record is located at the address in ''ADDRESSES'' at the beginning of this document.

Electronic comments can be sent directly to EPA at:

opp-docket@epamail.epa.gov

Electronic comments must be submitted as an ASCII file avoiding the use of special characters and any form of encryption. Comment and data will also be accepted on disks in Wordperfect 5.1/6.1 file format or ASCII file format. All comments and data in electronic form must be identified by the docket control number PF–798 and appropriate petition number. Electronic comments on this notice may be filed online at many Federal Depository Libraries.

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

List of Subjects

Environmental protection, Agricultural commodities, Food additives, Feed additives, Pesticides and pests, Reporting and recordkeeping requirements.

Dated: March 2, 1998.

Peter Caulkins,

Acting Director, Registration Division, Office of Pesticide Programs.

Summaries of Petitions

Below summaries of the pesticide petitions are printed. The summaries of the petitions were prepared by the petitioners. The petition summary announces the availability of a description of the analytical methods available to EPA for the detection and measurement of the pesticide chemical residues or an explanation of why no such method is needed.

1. Rohm and Haas Company

PP 3G4274

EPA has received a pesticide petition (PP 3G4274)from Rohm and Haas Company, 100 Independence Mall West, Philadelphia, PA 19106–2399. proposing pursuant to section 408(d) of the Federal Food, Drug and Cosmetic Act, 21 U.S.C. 346a(d), to amend 40 CFR part 180 by establishing a tolerance for residues of triazamate [Acetic acid, [{1-{(dimethylamino) carbonyl}-3-(1,1-dimethylethyl)-1*H*-1,2,4-triazol-5-y1} thio]-,ethyl ester] and its metabolite Acetic acid,[{1-{(dimethylamino) carbonyl}-3-(1,1-dimethylethyl)-1*H*-1,2,4-triazol-5-y1}thio]-(code number RH–0422 in or on the raw agricultural commodity fresh apples at 0.1 parts per million (ppm). EPA has determined that the petition contains data or information regarding the elements set forth in section 408(d)(2) of the FFDCA; however, EPA has not fully evaluated the sufficiency of the submitted data at this time or whether the data supports granting of the petition. Additional data may be needed before EPA rules on the petition.

A. Residue Chemistry

1. *Plant metabolism*. The metabolism of triazamate in plants (apples) is adequately understood for the purposes of this tolerance. The metabolism of triazamate involves oxidative demethylation of the carbamoyl group. Parent compound is rapidly metabolized and is either not found or found at trace levels in apples. The majority of the total dosage is present as other non-cholinesterase inhibiting metabolites whose structures do not contain the dimethylcarbamoyl moiety. Because the proposed experimental use program is for fresh apples, livestock metabolism studies are not required. Tolerances for residues of triazamate should be expressed as the total residue from triazamate and its only cholinesterase-inhibiting metabolite RH–0422.

2. *Analytical method*. The metabolism of triazamate in plants (apples) is adequately understood for the purposes of this tolerance. The metabolism of triazamate involves oxidative demethylation of the carbamoyl group. Parent compound is rapidly metabolized and is either not found or found at trace levels in apples. The majority of the total dosage is present as other non-cholinesterase inhibiting metabolites whose structures do not contain the dimethylcarbamoyl moiety. Because the proposed experimental use program is for fresh apples, livestock metabolism studies are not required. Tolerances for residues of triazamate should be expressed as the total residue from triazamate and its only cholinesterase-inhibiting metabolite RH–0422.

3. *Magnitude of residues*. A total of 14 field residue trials in apples was conducted with a 25WP formulation in geographically representative regions of the U.S. Three applications were made at either 0.25 or 0.38 lb. a.i./acre. Fruit were harvested at 40 days after the last application. Only trace residues of triazamate were detected and residues of RH–0422 did not exceed 0.06 ppm.

B. Toxicological Profile

1. *Acute toxicity*. Triazamate is a moderately toxic cholinesterase inhibitor belonging to the carbamate class. Triazamate Technical was moderately toxic to rats following a single oral dose (LD_{50} = 50-200 milligram/kilograms (mg/kg)), and after a 4-hr inhalation exposure (LC_{50} value of >0.47 mg/L); and was minimally to slightly toxic to rats following a single dermal dose (LD_{50} >5,000 mg/kg). In a guideline acute neurotoxicity study with triazamate in the rat, the NOEL for clinical signs was 5 mg/kg based on the observation of cholinergic signs in 1 of 10 male rats at 25 mg/kg. Triazamate was practically non-irritating to the skin, moderately irritating to eyes in rabbits and did not produce delayed contact hypersensitivity in the guinea pig.

2. *Genotoxicity*. Triazamate is not mutagenic or genotoxic. Triazamate Technical was negative (non-mutagenic) in an Ames assay with and without hepatic enzyme activation. Triazamate Technical was negative in a hypoxanthine guanine phophoribosyl transferase (HGPRT) gene mutation assay using Chinese hamster ovary (CHO) cells in culture when tested with and without hepatic enzyme activation. In isolated rat hepatocytes, triazamate did not induce unscheduled DNA synthesis (UDS) or repair when tested up to the maximum soluble concentration in culture medium. Triazamate did not produce chromosome aberrations in an *in vitro* assay using Chinese hamster ovary cells (CHO) or an *in vivo* mouse micronucleus assay.

3. *Reproductive and developmental toxicity*. In a developmental toxicity study in rats with Triazamate Technical, the no-observed-effect-level (NOEL) for developmental toxicity was 64 mg/kg (highest dose tested) (HDT). The NOEL for maternal toxicity was 16 mg/kg based on clinical signs of cholinergic toxicity at 64 mg/kg.

In a developmental toxicity study in rabbits with Triazamate Technical, the NOEL for developmental toxicity was 10 mg/kg (HDT). The NOEL for maternal toxicity was 0.5 mg/kg based on clinical signs and decreased body weight at 10 mg/kg.

In a 2-generation reproduction study in rats with Triazamate Technical, the NOEL for reproductive effects was 1,500 ppm (101 and 132 milligram/kilograms/day (mg/kg/day) for males and females, respectively; HDT). The NOEL for parental toxicity was 10 ppm (0.7 and 0.9 mg/kg/day for males and females, respectively) based on decreased plasma and RBC cholinesterase activities at 250 ppm (17 and 21 mg/kg/day for males and females, respectively).

The acceptable developmental studies (prenatal developmental toxicity studies in rats and rabbits and 2-generation reproduction study in rats) provided no

indication of increased sensitivity of rats or rabbits to *in utero* and or post-natal exposure to triazamate. Triazamate Technical is not a developmental or reproductive toxicant.

4. *Subchronic toxicity.* In subacute and subchronic dietary toxicity studies, Triazamate Technical produced no evidence of adverse effects other than those associated with cholinesterase inhibition:

i. In a 90-day dietary toxicity study with Triazamate Technical in the rat, the NOEL for blood cholinesterase inhibition was 50 ppm (3.2 and 3.9 mg/kg/day for males and females, respectively), based on decreases in plasma and RBC cholinesterase activities at 500 ppm (32 and 39 mg/kg/day for males and females, respectively). The NOEL for brain cholinesterase inhibition and/or clinical signs was 500 ppm (32 and 39 mg/kg/day for males and females respectively) based on decreased brain cholinesterase activity and decreased body weight gain and feed consumption at 1,500 ppm (93 and 117 mg/kg/day for males and females, respectively).

ii. In a guideline subchronic neurotoxicity study (90-day dietary feeding) with Triazamate Technical in the rat, the NOEL for blood cholinesterase inhibition was 10 ppm (0.6 and 0.7 mg/kg/day for males and females, respectively), based on reductions in plasma and RBC cholinesterase activities at 250 ppm (14.3 and 17.1 mg/kg/day for males and females, respectively). The NOEL for brain cholinesterase inhibition and/or clinical signs was 250 ppm (14.3 and 17.1 mg/kg/day for males and females respectively) based on decreases in brain cholinesterase activity and cholinergic signs at 1,500 ppm (87 and 104 mg/kg/day for males and females, respectively).

iii. In a 90-day dietary toxicity study with Triazamate Technical in the mouse, the NOEL for blood cholinesterase inhibition was 2 ppm (0.4 and 0.5 mg/kg/day for males and females, respectively) based on decreases in plasma cholinesterase activity at 25 ppm (4 and 6 mg/kg/day for males and females, respectively). The NOEL for brain cholinesterase and/or clinical signs was 250 ppm (46 and 67 mg/kg/day for males and females, respectively) based on decreases brain cholinesterase and decreases body weight and feed consumption at 1,000 ppm (164 and 222 mg/kg/day for males and females, respectively).

iv. In a 90-day dietary toxicity study with Triazamate Technical in the dog, the NOEL for blood cholinesterase inhibition was 1 ppm for males only (0.03 mg/kg/day) based on decreases in plasma cholinesterase at 10 ppm (0.3 mg/kg/day). The dose of 1 ppm was a lowest-observed-effect-level (LOEL) for females based on the presence of decreased plasma cholinesterase activity (24%). The NOEL for clinical signs was 10 ppm (0.3 mg/kg/day for males and females) based a few clinical signs at 100 ppm (3.1 mg/kg/day for males and females).

v. In a 21-day dermal toxicity study with Triazamate Technical, the NOEL blood and brain cholinesterase inhibition was 10 mg/kg based on decreases plasma, RBC and brain cholinesterase activities at 100 mg/kg.

5. *Chronic toxicity*— i. *Rat, mouse, and dog studies.* In chronic dietary toxicity studies, Triazamate Technical produced no evidence of adverse effects other than those associated with cholinesterase inhibition and was not oncogenic in the rat and mouse.

In a combined chronic dietary toxicity/oncogenicity study (24 months) in rats with Triazamate Technical, no evidence of oncogenicity was observed at doses up to 1,250 ppm (62.5 mg/kg/day for males and females; HDT). The NOEL for blood cholinesterase inhibition was 10 ppm (0.5 and 0.6 mg/kg/day for males and females, respectively) based on decreases in plasma and RBC cholinesterase activity at 250 ppm (11.5 and 14.5 mg/kg/day in males and females, respectively). The NOEL for brain cholinesterase inhibition and/or clinical signs was 250 ppm (11.5 and 14.5 mg/kg/day in males and females, respectively) based on clinical signs and decreases in brain cholinesterase inhibition at 1,250 ppm (62.5 mg/kg/day for males and females).

In a combined chronic dietary toxicity study (18 months) in mice with Triazamate Technical, no evidence of oncogenicity was observed at doses up to 1,000-1,500 ppm (130-195 mg/kg/day for males and females; HDT). The NOEL for blood cholinesterase inhibition was 1 ppm (0.1 and 0.2 mg/kg/day for males and females, respectively) based on decreased plasma cholinesterase activity at 50 ppm (6.7 and 8.4 mg/kg/day for males and females, respectively). The NOEL for brain cholinesterase inhibition and/or clinical signs was 50 ppm (6.7 and 8.4 mg/kg/day for males and females, respectively) based on decreased brain cholinesterase activity and other evidence of systemic toxicity at 1,000-1,500 ppm (130-195 mg/kg/day for males and females).

In a chronic dietary toxicity study (12 months) in dogs with Triazamate Technical, the NOEL for blood cholinesterase inhibition was 0.9 ppm (0.023 and 0.025 mg/kg/day for males and females, respectively) based on decreased plasma cholinesterase activity at 15.0 ppm (0.42 mg/kg/day for both males and females). The NOEL for brain cholinesterase inhibition was 15.0 ppm (0.42 mg/kg/day for both males and females) based on decreased brain cholinesterase activity at 150 ppm (4.4 and 4.7 mg/kg/day for males and females, respectively).

ii. *Human studies.* A randomized double blind ascending dose study was conducted in human male volunteers to determine the safety and tolerability of Triazamate Technical and to establish a NOEL for adverse clinical toxicity. Single doses of Triazamate Technical, when administered orally by capsule to healthy male subjects, were tolerated up to and including a dose of 1.0 mg/kg. The 3.0 mg/kg dose of triazamate was not clinically tolerated well. Clinically, the NOEL was 0.3 mg/kg of triazamate based on minimal clinical signs at 1.0 mg/kg that were considered possibly related to treatment. Transient decreases in plasma and RBC cholinesterase occurred at doses lower than the dose that elicited adverse clinical signs.

Using its Guidelines for Carcinogen Risk Assessment published September 24, 1986 (51 FR 33992), Rohm and Haas Company considers triazamate to be classified as a Group ''E,'' not a likely human carcinogen.

A Reference dose (RfD) of 0.01 mg/kg/day is proposed for humans, based on the clinical NOEL in the human study (0.3 mg/kg) and dividing by a safety factor of 30. The dose of 0.3 mg/kg was the highest dose in humans that did not produce toxicologically significant adverse effects (i.e., signs of cholinergic toxicity) and is 10 times lower than a dose that produced unequivocal signs of cholinergic toxicity in man. In addition, the clinical NOEL in humans is comparable to the no-observable-adverse-effect level (NOAEL) of 0.42 mg/kg/day following chronic dosing in the dog, the most sensitive laboratory animal species. A safety factor of 10 is applied to the clinical NOEL in humans to account for potential variability within humans with respect to sensitivity towards triazamate. An additional, safety factor of 3 is included, since at 0.03 mg/kg (i.e., 1/10th the dose that was a clinical NOEL) there was a transient but measurable depression in plasma cholinesterase in humans. Although a change in the plasma pseudo-cholinesterase (i.e., butyl-cholinesterase) is not toxicologically significant since this enzyme is not molecularly similar to acetyl-cholinesterase, the additional uncertainty factor of 3 establishes a RfD at a level where one would predict no

measurable response of any kind, irrespective of the toxicological significance of the finding.

6. *Animal metabolism*. The adsorption, distribution, excretion and metabolism of triazamate in rats, dogs and goats was investigated. Triazamate is rapidly absorbed when given orally (capsule or gavage) but slower following dietary intake. Peak blood levels following dietary administration were 10-fold lower than after gavage administration of an equivalent mg/kg/dose. Elimination is predominately by urinary excretion and triazamate does not accumulate in tissues. The metabolism of triazamate proceeds via ester hydrolysis and then a rapid stepwise cleavage of the carbamoyl group. The free acid, (RH–0422) is the only toxicologically significant metabolite, given that it contains the carbamoyl group. Other metabolites of triazamate, which are seen in other animal and plant metabolism studies, do not contain the carbamoyl group and do not produce cholinesterase inhibition.

7. *Metabolite toxicology*. Common metabolic pathways for triazamate have been identified in both plants (apple) and animals (rat, goat, hen). The metabolic pathway common to both plants and animals involves oxidative demethylation of the carbamoyl group. Extensive degradation and elimination of polar metabolites occurs in animals such that residue are unlikely to accumulate in humans or animals exposed to these residues through the diet.

8. *Endocrine disruption*. The toxicology profile of triazamate shows no evidence of physiological effects characteristic of the disruption of mammalian hormones. In developmental and reproductive studies there was no evidence of developmental or reproductive toxicity. In addition, the molecular structure of triazamate does not suggest that this compound would disrupt the mammalian hormone system. Overall, the weight of evidence provides no indication that triazamate has endocrine activity in vertebrates.

C. Aggregate Exposure

1. *Dietary exposure*. A RfD of 0.01 mg/kg/day is proposed for humans, based on the clinical NOEL in the human study (0.3 mg/kg) and dividing by a safety factor of 30.

2. *Food*— i. *Acute risk*. An acute dietary risk assessment (Dietary Exposure Evaluation Model, Novigen Sciences Inc., 1997) was conducted for triazamate using two approaches: (a) a Tier 1 approach using a tolerance level residue of 0.1 ppm and (b) Monte Carlo simulations using an entire distribution of field trial residues for pome fruit and adjusted for percent crop treated (Tier 3). Using the Tier 1 approach margins of exposure (MOEs) at the 95th and 99th percentiles of exposure for the overall U.S. population were 572 and 199, respectively. Using the Tier 3 procedure in which residues were adjusted for percent crop treated, the MOEs for the 95th and 99th percentiles were 8,769 and 1,511, respectively. Acute exposure was also estimated for non-nursing infants, the most sensitive sub-population. For this population, MOEs at the 95th and 99th percentiles of exposure were 113 and 83, respectively. Using the Tier 3 method, MOEs were 909 and 396, respectively. Acute dietary risk is considered acceptable if the MOE is greater than 30, an appropriate safety factor when based on a human clinical study. Even under the conservative assumptions presented here, the more realistic estimates of dietary exposure (Tier 3 analyses) clearly demonstrate adequate MOEs up to the 99th percentile of exposure for all population subgroups.

ii. *Chronic risk*. Chronic dietary risk assessments (Dietary Exposure Evaluation Model, Novigen Sciences Inc., 1997) were conducted for triazamate using two approaches: (a) using a tolerance level residue of 0.1 ppm assuming 100% of crop is treated and (b) using a tolerance level residue of 0.1 ppm adjusted for projected percent crop treated. The Theoretical Maximum Residue Contribution (TMRC) from the proposed pome fruit tolerance represents 0.91% of the RfD for the U.S. population as a whole. The subgroup with the greatest chronic exposure is non-nursing infants (less than 1 year old), for which the TMRC estimate represents 6.3% of the RfD. The chronic dietary risks from this use do not exceed EPA's level of concern.

3. *Drinking water*. Both triazamate and its cholinesterase-inhibiting metabolite RH-0422 are degraded rapidly in soil. This rapid degradation has been observed in both laboratory and field studies and makes it highly unlikely that measurable residues of either compound would be found in ground or surface water when triazamate is applied according to the proposed EUP label directions.

4. *Non-dietary exposure*. Triazamate is not registered for either indoor or outdoor residential use. Non-occupational exposure to the general population is therefore not expected and not considered in aggregate exposure estimates.

D. Cumulative Effects

The potential for cumulative effects of triazamate with other substances that have a common mechanism of toxicity was considered. It is recognized the triazamate, although structurally a pseudo-carbamate, exhibits toxicity similar to the carbamate class of insecticides, and that these compounds produce a reversible inhibition of the enzyme cholinesterase. However, Rohm and Haas Company concludes that consideration of a common mechanism of toxicity is not appropriate at this time since EPA does not have the methodology to resolve this complex scientific issue concerning common mechanisms of toxicity. Based on these points, Rohm and Haas Company has considered only the potential risks of triazamate and RH–0422 in its cumulative exposure assessment.

E. Safety Determination

1. *U.S. population*. The acute and chronic dietary exposure to triazamate and its metabolite from the proposed use on pome fruit were evaluated. Exposure to triazamate and its toxicologically significant metabolite on pome fruit does not pose an unreasonable health risk to consumers including the sensitive subgroup non-nursing infants. In Tier 1 and Tier 3 acute analyses for the 95th percentile exposures, MOEs were greater than 100 for the general U.S. population. Using the TMRC and assuming 100% of crop treated, the most conservative chronic approach, chronic dietary exposures represents 0.6% of the RfD for the U.S. population. 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.

Using the two conservative exposure assessments described above and taking into account the completeness and reliability of the toxicity data, Rohm and Haas Company concludes that there is a reasonable certainty that no harm will result from aggregate exposure to residues of triazamate and its toxicologically significant metabolite to the U.S. population.

2. *Infants and children*. In assessing the potential for additional sensitivity of infants and children to residues of triazamate, data from developmental toxicity studies in the rat and rabbit and 2-generation reproduction studies in the rat are considered. The developmental toxicity studies are designed to evaluate adverse effects on the developing organism resulting from pesticide exposure during prenatal development

to one or both parents. 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 may apply an additional safety factor for infants and children in the case of threshold effects to account for pre-and post- natal effects and the completeness of the toxicity database. Based on current toxicological data requirements, the toxicology database for triazamate relative to pre- and post- natal effects is complete. For triazamate, developmental toxicity was not observed in developmental studies using rats and rabbits. The NOEL for developmental effects in rats was 64 mg/kg/day and rabbits was 10 mg/kg/day. In the 2-generation reproductive toxicity study in the rat, the reproductive/ developmental toxicity NOEL was 101-132 mg/kg/day. These NOELs are 10-fold or higher than those observed for systemic toxicity, i.e., cholinesterase inhibition.

In Tier 1 and Tier 3 acute dietary analyses for the 95th percentile exposures, MOEs were greater than 100 for non-nursing infants. Using the TMRC and assuming 100% of crop treated, the most conservative chronic approach, chronic dietary exposures represents 6.3% of the RfD for non-nursing infants under 1 year old. Therefore Rohm and Haas Company concludes that there is a reasonable certainty that no harm will result from aggregate exposure to residues of triazamate and its toxicologically significant metabolite to infants and children.

F. International Tolerances

There are no approved CODEX maximum residue levels (MRLs) established for residues of triazamate. MRLs have been established for apples at 0.1 ppm in the Czech Republic, at 0.02 ppm in Hungary, and at 0.2 ppm in Korea.

2. Rohm and Haas Company

PP 6E4679

EPA has received a pesticide petition (PP 6E4679) from Rohm and Haas Company, 100 Independence Mall West, Philadelphia, PA 19106. proposing pursuant to section 408(d) of the Federal Food, Drug and Cosmetic Act, 21 U.S.C. 346a(d), to amend 40 CFR part 180 by establishing a tolerance for residues of tebufenozide [benzoic acid,3,5-dimethyl-, 1-(1,1-dimethylethyl)-2-(4-ethylbenzoyl) hydrazide] in or on the raw agricultural commodity wine grapes at 0.5 ppm. EPA has determined that the petition contains data or information regarding the elements set forth in section 408(d)(2) of the FFDCA; however, EPA has not fully evaluated the sufficiency of the submitted data at this time or whether the data supports granting of the petition. Additional data may be needed before EPA rules on the petition.

A. Residue Chemistry

1. *Plant metabolism*. The metabolism of tebufenozide in plants (grapes, apples, rice and sugar beets) is adequately understood for the purposes of these tolerances. The metabolism of tebufenozide in all crops was similar and involves oxidation of the alkyl substituents of the aromatic rings primarily at the benzylic positions. The extent of metabolism and degree of oxidation are a function of time from application to harvest. In all crops, parent compound comprised the majority of the total dosage. None of the metabolites were in excess of 10% of the total dosage. The metabolism of tebufenozide in goats and hens proceeds along the same metabolic pathway as observed in plants. No accumulation of residues in tissues, milk or eggs occurred. Because wine grape processed fractions are not fed to livestock, there is no reasonable expectation that measurable residues of tebufenozide will occur in meat, milk, eggs, or poultry.

2. *Analytical method*. A high performance liquid chromatographic (HPLC) analytical method using ultraviolet (UV) detection has been validated for grapes and wine. For these matrices, the method involves extraction by blending with solvents, purification of the extracts by liquid-liquid partitions and final purification of the residues using solid phase extraction column chromatography. The limit of quantitation of the method is 0.01 ppm for grapes and 0.005 ppm for wine.

B. Toxicological Profile

1. *Acute toxicity*. Tebufenozide has low acute toxicity. Tebufenozide Technical was practically non-toxic by ingestion of a single oral dose in rats and mice (LD_{50} > 5,000 mg/kg) and was practically non-toxic by dermal application (LD_{50} > 5,000 mg/kg). Tebufenozide Technical was not significantly toxic to rats after a 4-hour inhalation exposure with an LC_{50} value of 4.5 mg/L (highest attainable concentration), is not considered to be a primary eye irritant or a skin irritant and is not a dermal sensitizer. An acute neurotoxicity study in rats did not produce any neurotoxic or neuropathologic effects.

2. *Genotoxicity*. Tebufenozide technical was negative (non-mutagenic) in an Ames assay with and without hepatic enzyme activation and in a reverse mutation assay with *E. coli*. Tebufenozide technical was negative in a hypoxanthine guanine phophoribosyl transferase (HGPRT) gene mutation assay using Chinese hamster ovary (CHO) cells in culture when tested with and without hepatic enzyme activation. In isolated rat hepatocytes, tebufenozide technical did not induce unscheduled DNA synthesis (UDS) or repair when tested up to the maximum soluble concentration in culture medium. Tebufenozide did not produce chromosome effects *in vivo* using rat bone marrow cells or *in vitro* using Chinese hamster ovary cells (CHO). On the basis of the results from this battery of tests, it is concluded that tebufenozide is not mutagenic or genotoxic.

3. *Reproductive and developmental toxicity*. NOELs for developmental and maternal toxicity to tebufenozide were established at 1,000 mg/kg/day (HDT) in both the rat and rabbit. No signs of developmental toxicity were exhibited.

In a 2-generation reproduction study in the rat, the reproductive/ developmental toxicity NOEL of 12.1 mg/kg/day was 14-fold higher than the parental (systemic) toxicity NOEL 10 ppm 0.85 mg/kg/day. Equivocal reproductive effects were observed only at the 2,000 ppm dose.

In a second rat reproduction study, the equivocal reproductive effects were not observed at 2,000 ppm (the NOEL equal to 149-195 mg/kg/day) and the NOEL for systemic toxicity was determined to be 25 ppm (1.9-2.3 mg/kg/day).

4. *Subchronic toxicity*. The NOEL in a 90-day rat feeding study was 200 ppm (13 mg/kg/day for males, 16 mg/kg/day for females). The LOEL was 2,000 ppm (133 mg/kg/day for males, 155 mg/kg/day for females). Decreased body weights in males and females was observed at the LOEL of 2,000 ppm. As part of this study, the potential for tebufenozide to produce subchronic neurotoxicity was investigated. Tebufenozide did not produce neurotoxic or neuropathologic effects when administered in the diets of rats for 3 months at concentrations up to and including the limit dose of 20,000 ppm (NOEL = 1,330 mg/kg/day for males, 1,650 mg/kg/day for females).

In a 90-day feeding study with mice, the NOEL was 20 ppm (3.4 and 4.0 mg/kg/day for males and females, respectively). The LOEL was 200 ppm

(35.3 and 44.7 mg/kg/day for males and females, respectively). Decreases in body weight gain were noted in male mice at the LOEL of 200 ppm.

A 90-day dog feeding study gave a NOEL of 50 ppm (2.1 mg/kg/day for males and females). The LOEL was 500 ppm (20.1 and 21.4 mg/kg/day for males and females, respectively). At the LOEL, females exhibited a decrease in rate of weight gain and males presented an increased reticulocyte.

A 10-week study was conducted in the dog to examine the reversibility of the effects on hematological parameters that were observed in other dietary studies with the dog. Tebufenozide was administered for 6-weeks in the diet to 4 male dogs at concentrations of either 0 or 1,500 ppm. After the 6 weeks, the dogs receiving treated feed were switched to the control diet for 4-weeks. Hematological parameters were measured in both groups prior to treatment, at the end of the 6-week treatment, after 2-weeks of recovery on the control diet and after 4-weeks of recovery on the control diet. All hematological parameters in the treated/recovery group were returned to control levels indicating that the effects of tebufenozide on the hemopoietic system are reversible in the dog.

In a 28-day dermal toxicity study in the rat, the NOEL was 1,000 mg/kg/day, the highest dose tested. Tebufenozide did not produce toxicity in the rat when administered dermally for 4-weeks at doses up to and including the limit dose of 1,000 mg/kg/day.

5. *Chronic toxicity*. A 1-year feeding study in dogs resulted in decreased red blood cells, hematocrit, and hemoglobin and increased Heinz bodies, reticulocytes, and platelets at the LOEL of 8.7 mg/kg/day. The NOEL in this study was 1.8 mg/kg/day.

An 18-month mouse carcinogenicity study showed no signs of carcinogenicity at dosage levels up to and including 1,000 ppm, the highest dose tested.

In a combined rat chronic/oncogenicity study, the NOEL for chronic toxicity was 100 ppm (4.8 and 6.1 mg/kg/day for males and females, respectively) and the LOEL was 1,000 ppm (48 and 61 mg/kg/day for males and females, respectively). No carcinogenicity was observed at the dosage levels up to 2,000 ppm (97 mg/kg/day and 125 mg/kg/day for males and females, respectively).

6. *Animal metabolism*. The adsorption, distribution, excretion and metabolism of tebufenozide in rats was investigated. Tebufenozide is partially absorbed, is rapidly excreted and does not accumulate in tissues. Although tebufenozide is mainly excreted unchanged, a number of polar metabolites were identified. These metabolites are products of oxidation of the benzylic ethyl or methyl side chains of the molecule. These metabolites were detected in plant and other animal (rat, goat, hen) metabolism studies.

7. *Metabolite toxicology*. Common metabolic pathways for tebufenozide have been identified in both plants (grape, apple, rice and sugar beet) and animals (rat, goat, hen). The metabolic pathway common to both plants and animals involves oxidation of the alkyl substituents (ethyl and methyl groups) of the aromatic rings primarily at the benzylic positions. Extensive degradation and elimination of polar metabolites occurs in animals such that residue are unlikely to accumulate in humans or animals exposed to these residues through the diet.

8. *Endocrine disruption*. The toxicology profile of tebufenozide shows no evidence of physiological effects characteristic of the disruption of the hormone estrogen. Based on structure-activity information, tebufenozide is unlikely to exhibit estrogenic activity. Tebufenozide was not active in a direct *in vitro* estrogen binding assay. No indicators of estrogenic or other endocrine effects were observed in mammalian chronic studies or in mammalian and avian reproduction studies. Ecdysone has no known effects in vertebrates. Overall, the weight of evidence provides no indication that tebufenozide has endocrine activity in vertebrates.

C. Aggregate Exposure

1. *Dietary exposure*— i. *Acute risk*. No appropriate acute dietary endpoint was identified by the Agency. This risk assessment is not required.

ii. *Chronic risk*. For chronic dietary risk assessment, the tolerance values are used and the assumption that all of these crops which are consumed in the U.S. will contain residues at the tolerance level. The TMRC using existing and future potential tolerances for tebufenozide on food crops is obtained by multiplying the tolerance level residues (existing and proposed) by the consumption data which estimates the amount of those food products consumed by various population subgroups and assuming that 100% of the food crops grown in the U.S. are treated with tebufenozide. The TMRC from current and future tolerances is calculated using the Dietary Exposure Evaluation Model (Version 5.03b, licensed by Novigen Sciences Inc.) which uses USDA food consumption data from the 1989–1992 survey.

With the current and proposed uses of tebufenozide, the TMRC estimate represents 20.1% of the RfD for the U.S. population as a whole. The subgroup with the greatest chronic exposure is non-nursing infants (less than 1-year old), for which the TMRC estimate represents 52.0% of the RfD. Using anticipate residue levels for these crops utilizes 3.38% of the RfD for the U.S. population and 12.0% for non-nursing infants. The chronic dietary risks from these uses do not exceed EPA's level of concern.

2. *Food*. Tolerances for residues of tebufenozide are currently expressed as benzoic acid, 3,5-dimethyl-1-(1,1-dimethylethyl)-2(4-ethylbenzoyl) hydrazide. Tolerances currently exist for residues on apples at 1.0 ppm (import tolerance) and on walnuts at 0.1 ppm (see 40 CFR 180.482). In addition to this action, a request to establish a tolerance in or on wine grapes, other petitions are pending for the following tolerances: pome fruit, livestock commodities, pecans, cotton, the crop subgroups leafy greens, leaf petioles, head and stem *Brassica* and leafy *Brassica* greens, and kiwifruit (import tolerance).

3. *Drinking water*. An additional potential source of dietary exposure to residues of pesticides are residues in drinking water. Review of environmental fate data by the Environmental Fate and Effects Division concludes that tebufenozide is moderately persistent to persistent and mobile, and could potentially leach to groundwater and runoff to surface water under certain environmental conditions. However, in terrestrial field dissipation studies, residues of tebufenozide and its soil metabolites showed no downward mobility and remained associated with the upper layers of soil. Foliar interception (up to 60% of the total dosage applied) by target crops reduces the ground level residues of tebufenozide. There is no established maximum- concentration-level (MCL) for residues of tebufenozide in drinking water. No drinking water health advisory levels have been established for tebufenozide.

There are no available data to perform a quantitative drinking water risk assessment for tebufenozide at this time. However, in order to mitigate the potential for tebufenozide to leach into groundwater or runoff to surface water, precautionary language has been incorporated into the product label. Also, to the best of our knowledge, previous experience with more persistent and mobile pesticides for which there have been available data to

perform quantitative risk assessments have demonstrated that drinking water exposure is typically a small percentage of the total exposure when compared to the total dietary exposure. This observation holds even for pesticides detected in wells and drinking water at levels nearing or exceeding established MCLs. Considering the precautionary language on the label and based on our knowledge of previous experience with persistent chemicals, significant exposure from residues of tebufenozide in drinking water is not anticipated.

4. *Non-dietary exposure*. Tebufenozide is not registered for either indoor or outdoor residential use. Non-occupational exposure to the general population is therefore not expected and not considered in aggregate exposure estimates.

D. Cumulative Effects

The potential for cumulative effects of tebufenozide with other substances that have a common mechanism of toxicity was considered. Tebufenozide belongs to the class of insecticide chemicals known as diacylhydrazines. The only other diacylhydrazine currently registered for non-food crop uses is halofenozide. Tebufenozide and halofenozide both produce a mild, reversible anemia following subchronic/chronic exposure at high doses; however, halofenozide also exhibits other patterns of toxicity (liver toxicity following subchronic exposure and developmental/systemic toxicity following acute exposure) which tebufenozide does not. Given the different spectrum of toxicity produced by tebufenozide, there is no reliable data at the molecular/mechanistic level which would indicate that toxic effects produced by tebufenozide would be cumulative with those of halofenozide (or any other chemical compound).

In addition to the observed differences in mammalian toxicity, tebufenozide also exhibits unique toxicity against target insect pests. Tebufenozide is an agonist of 20-hydroxyecdysone, the insect molting hormone, and interferes with the normal molting process in target lepidopteran species by interacting with ecdysone receptors from those species. Unlike other ecdysone agonists such as halofenozide, tebufenozide does not produces symptoms which may be indicative of systemic toxicity in beetle larvae (*Coleopteran* species). Tebufenozide has a different spectrum of activity than other ecdysone agonists. In contrast to the other agonists such as halofenozide which act mainly on coleopteran insects, tebufenozide is highly specific for lepidopteran insects.

Based on the overall pattern of toxicity produced by tebufenozide in mammalian and insect systems, the compound's toxicity appears to be distinct from that of other chemicals, including organochlorines, organophosphates, carbamates, pyrethroids, benzoylureas, and other diacylhydrazines. Thus, there is no evidence to date to suggest that cumulative effects of tebufenozide and other chemicals should be considered.

E. Safety Determination

1. *U.S. population*. Using the conservative exposure assumptions described above and taking into account the completeness and reliability of the toxicity data, the dietary exposure to tebufenozide from the current and future tolerances will utilize 20.1% of the RfD for the U.S. population and 52.0% for non-nursing infants under 1-year old. Using anticipate residue levels for these crops utilizes 3.38% of the RfD for the U.S. population and 12.0% for non-nursing infants. 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. Rohm and Haas concludes that there is a reasonable certainty that no harm will result from aggregate exposure to tebufenozide residues to the U.S. population and non-nursing infants.

2. *Infants and children*. In assessing the potential for additional sensitivity of infants and children to residues of tebufenozide, data from developmental toxicity studies in the rat and rabbit and 2-generation reproduction studies in the rat are considered. The developmental toxicity studies are designed to evaluate adverse effects on the developing organism resulting from pesticide exposure during prenatal development to one or both parents. Reproduction studies provide information relating to effects from exposure to the pesticide on the reproductive capability of mating animals and data on systemic toxicity. Developmental toxicity was not observed in developmental studies using rats and rabbits. The NOEL for developmental effects in both rats and rabbits was 1,000 mg/kg/day, which is the limit dose for testing in developmental studies.

In the 2-generation reproductive toxicity study in the rat, the reproductive/developmental toxicity NOEL of 12.1 mg/kg/day was 14-fold higher than the parental (systemic) toxicity NOEL (0.85 mg/kg/day). The reproductive (pup) LOEL of 171.1 mg/kg/day was based on a slight increase in both generations in the number of pregnant females that either did not deliver or had difficulty and had to be sacrificed. In addition, the length of gestation increased and implantation sites decreased significantly in F1 dams. These effects were not replicated at the same dose in a second 2-generation rat reproduction study. In this second study, reproductive effects were not observed at 2,000 ppm (the NOEL equal to 149-195 mg/kg/day) and the NOEL for systemic toxicity was determined to be 25 ppm (1.9-2.3 mg/kg/day).

Because these reproductive effects occurred in the presence of parental (systemic) toxicity and were not replicated at the same doses in a second study, these data do not indicate an increased pre-natal or post-natal sensitivity to children and infants (that infants and children might be more sensitive than adults) to tebufenozide exposure. FFDCA section 408 provides that EPA shall apply an additional safety factor for infants and children in the case of threshold effects to account for pre- and post-natal toxicity and the completeness of the data base unless EPA concludes that a different margin of safety is appropriate. Based on current toxicological data discussed above, an additional uncertainty factor is not warranted and the RfD at 0.018 mg/kg/day is appropriate for assessing aggregate risk to infants and children. Rohm and Haas concludes that there is a reasonable certainty that no harm will occur to infants and children from aggregate exposure to residues of tebufenozide.

F. International Tolerances

There are no approved CODEX maximum residue levels (MRLs) established for residues of tebufenozide. At the 1996 Joint Meeting for Pesticide Residues, the FAO expert panel considered residue data for grapes and proposed an MRL (Step 3) of 0.5 mg/kg.

3. Valent U.S.A. Corporation

PP 6F4737

EPA has received a pesticide petition (PP 6F4737) from Valent U.S.A. Corporation, 1333 N. California Blvd., Walnut Creek, CA 94596 proposing pursuant to section 408(d) of the Federal Food, Drug and Cosmetic Act, 21 U.S.C. 346a(d), to amend 40 CFR part 180 by establishing a tolerance for residues of pyriproxyfen, 2-[1-methyl-2-(4-phenoxyphenoxy) ethoxy) ethoxy] pyridine in or on the raw agricultural commodity cottonseed at 0.05 ppm and cotton gin byproducts at 2.0 ppm. EPA has determined that the petition contains data or information regarding

the elements set forth in section 408(d)(2) of the FFDCA; however, EPA has not fully evaluated the sufficiency of the submitted data at this time or whether the data supports granting of the petition. Additional data may be needed before EPA rules on the petition.

A. Residue Chemistry

1. *Plant metabolism—Nature of the residues in food, feed and secondary residues.* The residue of concern is best defined as the parent, pyriproxyfen.

The nature of the residues in cotton, apples, and animals is adequately understood. Metabolism of ^{14}C-pyriproxyfen labelled in the phenoxyphenyl ring and in the pyridyl ring was studied in cotton, apples, lactating goats, and laying hens (and rats). The nature of the residue is defined by the metabolism studies primarily as pyriproxyfen. The major metabolic pathways in plants is hydroxylation and cleavage of the ether linkage, followed by further metabolism into more polar products by oxidation or conjugation reactions, however, the bulk of the radiochemical residue was parent. Comparing metabolites from cotton, apple, goat and hen (and rat) shows that there are no significant metabolites in plants which are not also present in the excreta or tissues of animals.

Ruminant and poultry metabolism studies demonstrated that transfer of administered ^{14}C residues to tissues was low. Total ^{14}C residues in goat milk, muscle and tissues accounted for less than 2% of the administered dose, and were less than 1 ppm in all cases. In poultry, total ^{14}C residues in eggs, muscle and tissues accounted for about 2.7% of the administered dose, and were less than 1 ppm in all cases except for gizzard.

2. *Analytical method— Pyriproxyfen and metabolites.* Practical analytical methods for detecting and measuring levels of pyriproxyfen (and relevant metabolites) have been developed and validated in cotton raw agricultural commodities, respective processing fractions, animal tissues, and environmental samples. The methods have been independently validated in cottonseed, apples, soil, and oranges and the extraction methodology has been validated using aged radiochemical residue samples from metabolism studies. EPA has successfully validated the analytical method for analysis of cottonseed raw agricultural commodity (personal communication). The limit of detection of pyriproxyfen in the methods is 0.01 ppm which will allow monitoring of food with residues at or above the levels proposed for the tolerances.

3. *Magnitude of residues*— i. *Cotton.* Data from fifteen field trials in cotton conducted in 1994 and 1995, showed that mean pyriproxyfen residues from duplicate samples were <0.01 - 0.04 ppm in cottonseed, and 0.35 - 2.3 ppm in gin trash, following two or three treatments totaling 80 grams active ingredient per acre at 14 day intervals with a 28 day pre-harvest interval. The seasonal use rate tested in the residue trials was approximately 2.6 times the maximum seasonal use rate presently proposed for cotton in the pending KNACK® Insect Growth Regulator label. No concentration of residues was observed from processing cottonseed treated with an 12.8 x application rate into hulls, meal, crude oil or refined oil.

ii. *Secondary residues.* Since low residues were detected in cotton derived animal feed items and since animal metabolism studies do not show potential for significant residue transfer, detectable secondary residues in animal tissues, milk, and eggs are not expected. Therefore, tolerances are not needed for these commodities.

iii. *Rotational crops.* The results of a confined rotational crops accumulation study indicate that no rotational crop planting restrictions or rotational crop tolerances are required.

B. Toxicological Profile

1. *Acute toxicity.* The acute toxicity of technical grade pyriproxyfen is low by all routes. The compound is classified as Category III for acute dermal and inhalation toxicity, and Category IV for acute oral toxicity, and skin/eye irritation. Pyriproxyfen is not a skin sensitizing agent.

2. *Genotoxicity.* Pyriproxyfen does not present a genetic hazard. Pyriproxyfen was negative in the following tests for mutagenicity: Ames assay with and without S9, *in vitro* unscheduled DNA synthesis in HeLa S3 cells, *in vitro* gene mutation in V79 Chinese hamster cells, and *in vitro* chromosomal aberration with and without S9 in Chinese hamster ovary cells.

3. *Reproductive and developmental toxicity.* Pyriproxyfen is not a developmental or reproductive toxicant. Developmental toxicity studies have been performed in rats and rabbits, and multigenerational effects on reproduction were tested in rats. These studies have been reviewed and found to be acceptable to the Agency.

In the developmental toxicity study conducted with rats, technical pyriproxyfen was administered by gavage at levels of 0, 100, 300, and 1,000 mg/kg bw/day during gestation days 7-17. Maternal toxicity (mortality, decreased body weight gain and food consumption, and clinical signs of toxicity) was observed at doses of 300 mg/kg body weight/day (bw/day) and greater. The maternal NOEL was 100 mg/kg bw/day. A transient increase in skeletal variations was observed in rat fetuses from females exposed to 300 mg/kg bw/day and greater. These effects were not present in animals examined at the end of the postnatal period, therefore, the NOEL for prenatal developmental toxicity was 100 mg/kg bw/day. An increased incidence of visceral and skeletal variations was observed postnatally at 1,000 mg/kg bw/day. The NOEL for postnatal developmental toxicity was 300 mg/kg bw/day.

In the developmental toxicity study conducted with rabbits, technical pyriproxyfen was administered by gavage at levels of 0, 100, 300, and 1,000 mg/kg bw/day during gestation days 6-18. Maternal toxicity (clinical signs of toxicity including one death, decreased body weight gain and food consumption, and abortions or premature deliveries) was observed at oral doses of 300 mg/kg bw/day or higher. The maternal NOEL was 100 mg/kg bw/day. No developmental effects were observed in the rabbit fetuses. The NOEL for developmental toxicity in rabbits was 1,000 mg/kg bw/day.

In the rat reproduction study, pyriproxyfen was administered in the diet at levels of 0, 200, 1,000, and 5,000 ppm through two generations of rats. Adult systemic toxicity (reduced body weights, liver and kidney histopathology, and increased liver weight) was produced at the 5,000 ppm dose (453 mg/kg bw/day in males, 498 mg/kg bw/day in females during the pre-mating period). The systemic NOEL was 1,000 ppm (87 mg/kg bw/day in males, 96 mg/kg bw/day in females). No effects on reproduction were produced at 5,000 ppm, the HDT.

4. *Subchronic toxicity.* Subchronic oral toxicity studies conducted with pyriproxyfen technical in the rat, mouse and dog indicate a low level of toxicity. Effects observed at high dose levels consisted primarily of decreased body weight gain; increased liver weights; histopathological changes in the liver and kidney; decreased red blood cell counts, hemoglobin and hematocrit; altered blood chemistry parameters; and, at 5,000 and 10,000 ppm in mice, a decrease in survival rates. The NOELs from these studies were 400 ppm (23.5 mg/kg bw/day for males, 27.7 mg/kg bw/day for females) in rats, 1,000 ppm (149.4 mg/kg bw/day for males, 196.5

mg/kg bw/day for females) in mice, and 100 mg/kg bw/day in dogs.

In a four week inhalation study of pyriproxyfen technical in rats, decreased body weight and increased water consumption were observed at 1,000 mg/m^3. The NOEL in this study was 482 mg/m^3.

A 21-day dermal toxicity study in rats with pyriproxyfen technical did not produce any signs of dermal or systemic toxicity at 1,000 mg/kg bw/day, the highest dose tested. In a 21-day dermal study conducted with KNACK® Insect Growth Regulator the test material produced a NOEL of 1,000 mg/kg bw/day (HDT) for systemic effects, and a NOEL for skin irritation of 100 mg/kg bw/day.

5. *Chronic toxicity*. Pyriproxyfen technical has been tested in chronic studies with dogs, rats and mice. EPA has established a RfD for pyriproxyfen of 0.35 mg/kg bw/day, based on the NOEL in female rats from the two year chronic/oncogenicity study. Effects cited by EPA in the Reference Dose Tracking Report include negative trend in mean red blood cell volume, increased hepatocyte cytoplasm and cytoplasm:nucleus ratios, and decreased sinusoidal spaces.

Pyriproxyfen is not a carcinogen. Studies with pyriproxyfen have shown that repeated high dose exposures produced changes in the liver, kidney and red blood cells, but did not produce cancer in test animals. No oncogenic response was observed in a rat two-year chronic feeding/oncogenicity study or in a seventy-eight week study on mice . The oncogenicity classification of pyriproxyfen is ''E'' (no evidence of carcinogenicity for humans).

Pyriproxyfen technical was administered to dogs in capsules at doses of 0, 30, 100, 300 and 1,000 mg/kg bw/day for one year. Dogs exposed to dose levels of 300 mg/kg bw/day or higher showed overt clinical signs of toxicity, elevated levels of blood enzymes and liver damage. The NOEL in this study was 100 mg/kg bw/day.

Pyriproxyfen technical was administered to mice at doses of 0, 120, 600 and 3,000 ppm in diet for 78 weeks. The NOEL for systemic effects in this study was 600 ppm (84 mg/kg bw/day in males, 109.5 mg/kg bw/day in females), and a LOEL of 3,000 ppm (420 mg/kg bw/day in males, 547 mg/kg bw/day in females) was established based on an increase in kidney lesions.

In a two-year study in rats, pyriproxyfen technical was administered in the diet at levels of 0, 120, 600, and 3,000 ppm. The NOEL for systemic effects in this study was 600 ppm (27.31 mg/kg bw/day in males, 35.1 mg/kg bw/day in females). A LOEL of 3,000 ppm (138 mg/kg bw/day in males, 182.7 mg/kg bw/day in females) was established based on a depression in body weight gain in females.

6. *Animal metabolism*. The mammalian metabolism of pyriproxyfen is understood. The absorption, tissue distribution, metabolism and excretion of ^{14}C-labeled pyriproxyfen were studied in rats after single oral doses of 2 or 1,000 mg/kg bw (phenoxyphenyl and pyridyl label), and after a single oral dose of 2 mg/kg bw (phenoxyphenyl label only) following 14 daily oral doses at 2 mg/kg bw of unlabelled material. For all dose groups, most (88-96%) of the administered radiolabel was excreted in the urine and feces within 2 days after radiolabeled test material dosing, and 92-98% of the administered dose was excreted within 7 days. Seven days after dosing, tissue residues were generally low, accounting for no more than 0.3% of the dosed ^{14}C. Radiocarbon concentrations in fat were the higher than in other tissues analyzed. Recovery in tissues over time indicates that the potential for bioaccumulation is minimal. There were no significant sex or dose-related differences in excretion or metabolism.

7. *Metabolite toxicology*. Metabolism studies of pyriproxyfen in rats, goats and hens, as well as the fish bioaccumulation study demonstrate that the parent is very rapidly metabolized and eliminated. In the rat, most (88-96%) of the administered radiolabel was excreted in the urine and feces within 2 days of dosing, and 92-98% of the administered dose was excreted within 7 days. Seven days after dosing, tissue residues were low, accounting for no more than 0.3% of the dosed ^{14}C. Because parent and metabolites are not retained in the body, the potential for acute toxicity from *in situ* formed metabolites is low. The potential for chronic toxicity is adequately tested by chronic exposure to the parent at the MTD and consequent chronic exposure to the internally formed metabolites.

Seven metabolites of pyriproxyfen, 4′-OH-pyriproxyfen, 5″-OH-pyriproxyfen, desphenyl-pyriproxyfen, POPA, PYPAC, 2-OH-pyridine and 2,5-diOH-pyridine, have been tested for mutagenicity (Ames) and acute oral toxicity to mice. All seven metabolites were tested in the Ames assay with and without S9 at doses up to 5,000 micro-grams per plate or up to the growth inhibitory dose. The metabolites did not induce any significant increases in revertant colonies in any of the test strains. Positive control chemicals showed marked increases in revertant colonies. The acute toxicity to mice of 4′-OH-pyriproxyfen, 5″-OH-pyriproxyfen, desphenyl-pyriproxyfen, POPA, and PYPAC did not appear to markedly differ from pyriproxyfen, with all metabolites having acute oral LD_{50} values greater than 2,000 mg/kg bw. The two pyridines, 2-OH-pyridine and 2,5-diOH-pyridine, gave acute oral LD_{50} values of 124 (male) and 166 (female) mg/kg bw, and 1,105 (male) and 1,000 (female) mg/kg bw, respectively.

8. *Endocrine disruption*. Pyriproxyfen is specifically designed to be an insect growth regulator and is known to produce juvenoid effects on arthropod development. However, this mechanism-of-action in target insects and other arthropods has no relevance to mammalian endocrine systems. While specific tests, uniquely designed to evaluate the potential effects of pyriproxyfen on mammalian endocrine systems have not been conducted, the toxicology of pyriproxyfen has been extensively evaluated in acute, sub-chronic, chronic, developmental, and reproductive toxicology studies including detailed histopathology of numerous tissues. The results of these studies show no evidence of any endocrine-mediated effects and no pathology of the endocrine organs. Consequently, it is concluded that Sumilarv does not possess estrogenic or endocrine disrupting properties applicable to mammals.

C. Aggregate Exposure

1. *Dietary exposure*. EPA has established a RfD for pyriproxyfen of 0.35 mg/kg bw/day, based on the rat 2 year chronic/oncogenicity study and a safety factor of 100. The chronic dietary risk can be evaluated using this endpoint. The Agency has not identified acute or short term toxicity endpoints of concern for pyriproxyfen. Valent has identified the 90-day rat oral toxicity with a NOEL of 23.5 mg/kg bw/day as the short term study with the lowest exposure endpoint. This figure will be used for all acute and short term risk analyses.

2. *Food*. Chronic and acute dietary exposure analyses have been performed for pyriproxyfen using (proposed) tolerance level and anticipated residues and 100% of the crop treated. Included in the analyses are cottonseed, cotton gin trash and secondary residues in meat, milk, and eggs. These exposure/risk analyses have been submitted to the Agency along with a detailed description of the methodology and assumptions used.

i. *Chronic*. Long term dietary exposure was calculated for the U.S. population and 26 population subgroups. The results from several

representative subgroups are listed below. The highest exposed sub-population, Children (1 - 6 Years) with tolerance level exposure, showed an occupancy of the RfD of 0.03%. In all other cases, chronic dietary exposure was below 0.03 % of the RfD.

POTENTIAL CHRONIC DIETARY EXPOSURE TO PYRIPROXYFEN RESIDUES

Population Subgroup	Exposure (mg/kg bw/day)	
	Tolerances	Anticipated
U.S.population - 48 States - All seasons	0.000026	0.000016
U.S. population - Autumn season	0.000027	0.000017
Midwest Region	0.000030	0.000018
All infants	0.000049	0.000030
Non-nursing infants (<1 year old)	0.000065	0.000040
Children (1 - 6 years)	0.000095	0.000058
Females (13+/pregnant/not nursing)	0.000025	0.000015

ii. *Acute*. A tier 2 acute dietary exposure analysis assuming 100% of crop treated was performed for the U.S. population and six subgroups -- All Infants, Non-Nursing Infants (<1 Year), Children 1-6, Children 7-12, Females 13-50, and males 20+. The calculated exposures are all very low, ranging from 0.000002 to 0.000018 mg/kg bw/day, for the higher exposed proportions, 95 th and 99.9 th percentiles, of the subgroups. It should be noted that the population sizes are small at the lower probability exposures (e.g. 99 th and 99.9 th percentiles) oftentimes leading to unrealistically high calculated exposures. In all cases, MOEs to pyriproxyfen residues exceed one-million.

3. *Drinking water*. Since pyriproxyfen is to be applied outdoors to growing cotton crops, the potential exists for the parent or its metabolites to reach ground or surface water that may be used for drinking water.

i. *Ground water*. Pyriproxyfen is extremely insoluble in water (0.367 mg/L at 25°C), with high octanol/water partitioning coefficient (Log P o/w = 5.37 at 25°C), and relatively short soil half-life (aerobic soil metabolism T ½ = 6 to 9 days). Given the low use rates, the immobility of the parent and the instability of the soil metabolites in soil, it is very unlikely that pyriproxyfen or its metabolites could leach to and contaminate potable groundwater.

ii. *Surface water*. In connection with the potential for dietary exposure from surface potable water, a simulation of expected environmental concentration (EEC) values in aquatic systems has been performed using the Pesticide Root Zone Model (PRZM-2.3) and the Exposure Analysis Modeling System, version 2.95 (EXAMSII). The simulation was designed to approximate as closely as possible the conditions associated with two aerial applications totaling 0.084 lb. a.i. per acre to cotton with a 28-day interval. This use pattern exceeds the presently proposed use pattern by approximately 1.2 x. The results of the modeling estimate that the maximum upper tenth percentile concentrations modeled in water adjacent to treated fields are instantaneous, 0.23 ppb; 96-hour, 0.14 ppb; and 21 day, 0.08 ppb.

To obtain a very conservative estimate of a possible dietary exposure from drinking water, it could be assumed that all water consumed contains pyriproxyfen at the maximum upper tenth percentile concentrations modeled in aquatic systems (static, stagnant farm ponds) adjacent to treated cotton fields. Standard, conservative exposure assumptions of body weight and water consumption (adult 70 kg, 2 kg water per day; child 10 kg, 1 kg water) will be used.

iii *Chronic*. The 21 day concentration, 0.08 ppb (0.00008 mg/kg), is used to represent chronic exposure. The highest possible exposure would be 2.3×10^{-6} and 8×10^{-6} mg/kg bw/day for an adult and child, respectively. This very small, but probably exaggerated, exposure would occupy 0.00065 (adult) and 0.0023 (child) percent of the chronic RfD of 0.35 mg/kg bw/day.

iv. *Acute*. The modeled instantaneous concentration of 0.23 ppb (0.00023 mg/kg), can be used to represent potential acute exposure to pyriproxyfen in surface source drinking water. A corresponding calculation shows that the maximum acute exposure would be 6.6×10^{-6} and 2.3×10^{-5} mg/kg bw/day for the adult and child, respectively. When compared to the short term endpoint of 23.5 mg/kg bw/day, MOEs for both adults and children exceed one million.

4. *Non-dietary exposure*. Pyriproxyfen is the active ingredient in numerous registered products for household use -- primarily for indoor, non-food applications by consumers. The consumer uses of pyriproxyfen typically do not involve chronic exposure. Instead, consumers are exposed intermittently to a particular product (e.g., pet care pump spray) containing pyriproxyfen. Since pyriproxyfen has a relatively short elimination half-life, cumulative toxicological effects resulting from bioaccumulation are not plausible following short-term, intermittent exposures. Further, pyriproxyfen is short-lived in the environment and this indoor domestic use of pyriproxyfen provides only relatively short-term reservoirs.

This non-dietary exposure assessment for pyriproxyfen conservatively focuses on upper-bound estimates of potential applicator (adult) and post-application (adult and child - less than one year old) exposures on the day of application. Subsequent days present no applicator exposure, and a decreasing contribution to short-term total exposure. The assessment estimates exposures for selected consumer uses that are representative, plausible, and reasonable worst case exposure scenarios. The scenarios selected include:

(i) Potential exposures associated with adult application (dermal and inhalation exposures) and post-application (adult and child inhalation exposures) of pyriproxyfen-containing pet care products; and

(ii) Potential adult applicator exposures (dermal and inhalation), and post-application adult (inhalation) and child (inhalation, dermal, incidental oral ingestion associated with hand-to-mouth behavior) exposures associated with consumer use of an aerosol carpet spray product.

The risk analyses use a combination of representative models. Information from the pesticide handlers exposure data base (PHED) was used to estimate exposures to applicators (adult). Surrogate data from a study of exposure to indoor broadcast applications were used to calculate a series of absorbed dose estimates for adult applicators, and

post-application exposures to adults and children by dermal, inhalation, and (hand-to-mouth) oral routes. The methodology, assumptions, and estimates are presented in detail in the full FQPA exposure analysis, the table below presents the results.

SUMMARY OF ESTIMATED HUMAN APPLICATION AND POST-APPLICATION EXPOSURES ASSOCIATED WITH USE OF PET SPRAY AND CARPET SPRAY PRODUCTS CONTAINING PYRIPROXYFEN AS THE ACTIVE INGREDIENT

Product	Population	Timing of Exposure	Daily Dose (mg/kg bw/day)			
			Inhalation[1]	Dermal[2]	Oral[1]	Total
Pet Spray	Adults	Application	4.3×10^{-6}	0.085	[3]NA	0.085
		Post-Application	1.8×10^{-5}	NA	NA	1.8×10^{-5}
		TOTAL	2.2×10^{-5}	0.085	NA	0.085
	Children	Post-Application	3.7×10^{-5}	NA	NA	3.7×10^{-5}
Carpet Spray	Adults	Application	1.3×10^{-6}	5.1×10^{-4}	NA	5.1×10^{-4}
		Post-Application	5.4×10^{-6}	NA	NA	5.4×10^{-6}
		TOTAL	6.7×10^{-6}	5.1×10^{-4}	NA	5.2×10^{-4}
	Crawling Infant	Post-Application	1.5×10^{-5}	1.3×10^{-3}	2.1×10^{-4}	1.5×10^{-3}

[1] 100 % adsorption.
[2] Conservatively assumes a dermal absorption factor of 50%.
[3] Exposure pathway not applicable.

It is important to emphasize that the exposures summarized in the table are based on conservative assumptions and surrogate data. Further, the exposures are calculated for the day of application. Subsequent daily exposures would be less as pyriproxyfen is adsorbed into substrate, or dissipates and becomes unavailable by other mechanisms. Application exposures on non-application days would be zero.

Further, the Agency has not identified acute or short term toxicity endpoints of concern for oral inhalation or dermal exposure. Endpoints that could be considered for short term and intermediate exposures include developmental toxicity NOEL values of 100 mg/kg bw/day (rat and rabbit), rat 21-day dermal systemic NOEL values of 1,000 mg/kg bw/day (technical grade and end-use product), a four week rat inhalation toxicity NOEL of 482 mg/m^3, and, the endpoint chosen by Valent to be used in these analyses, the 90-day rat oral toxicity NOEL of 23.5 mg/kg bw/day. There are no dermal absorption data for pyriproxyfen.

The largest 1 day exposure is calculated for the applicator of the pet spray (0.085 mg/kg bw/day). This value is 57 times larger than the next highest calculated exposure which is the total exposure to a crawling infant on the day of application of the carpet spray (1.5×10^{-3} mg/kg bw/day). Furthermore, the return frequency is much different. Label instructions allow treatment of the pet every 14-days during the flea season, while the carpet can be treated only each 120 days. The 1 day exposure is compared to the smallest short term endpoint choosen by Valent, the 90-day rat oral toxicity NOEL of 23.5 mg/kg bw/day, and a MOE can be calculated. This compares an acute, one day, dermal exposure to a sub-chronic 90-day dietary endpoint.

MOE = Toxicity Endpoint (mg/kg bw/day) ÷ Daily Short Term Exposure (mg/kg bw/day)

$MOE_{\text{Pet Spray Applicator, One day}} = 276$

Probably more realistic, a short term daily exposure to the adult applicator can be calculated and compared to the same endpoint.

Daily Exposure (mg/kg bw/day) = Applicator Exposure (mg/kg bw/day) ÷ Frequency (days)

$MOE_{\text{Pet Spray Applicator}} = 3{,}900$

Based on the available toxicity data and the conservative exposure assumptions, and because infants and children are not applicators in the household, the smallest acute and short term MOE value for children is based on post-application exposures. The day of application exposure to a crawling infant is the sum of inhalation, dermal adsorption, and oral (hand to mouth) exposures. Subsequent daily exposures are not quantified, but because of dissipation of the active ingredient in the home environment subsequent exposure must be less than exposure on the day of application.

$MOE_{\text{Carpet Spray, Crawling Infant}} = 15{,}700$

There is usually no cause for concern if MOEs exceed 100. All other MOEs that can be calculated from the non-occupational, non-dietary exposures summarized in the table above are considerably larger than that for the pet spray applicator and (post carpet spray application) crawling infant.

5. *Summary of acute and chronic aggregate non-occupational exposures.* Aggregate exposure is defined as the sum all non-occupational exposures to the general U.S. population and relevant sub-populations to the single active ingredient, pyriproxyfen. These exposures can be classified as acute, short term, and chronic.

i. *Acute and short term non-occupational exposures.* Potential acute and short term non-occupational exposures to pyriproxyfen are associated with food, water, and household uses -- applicator and post-application exposures. For preliminary risk analysis, these exposures, oftentimes calculated using conservative assumptions and surrogate data, are compared to appropriate acute and short term toxicity endpoints to yield MOE. Valent has identified the 90-day rat oral toxicity with a NOEL of 23.5 mg/kg bw/day as the short term study with the lowest exposure endpoint. In general, if exposure estimates are conservative and the resulting MOE values are greater than 100, the Agency has no cause for concern.

It is possible to sum calculated acute exposures from various sources as shown in the table below. However, summation is exceedingly conservative because the approach assumes that two or more low probability events occurr symultaneously. For example, it is highly unlikely that an individual consuming the 99.9th percentile dietary exposure (one-in-a-thousand), also treats a large dog for fleas, and consumes all drinking water from a pond surrounded by treated cotton fields in a single day. Even so, the short term non-occupational exposures shown below that sum exposures from food, drinking water and household uses of pyriproxyfen gives MOE values all much larger than 100. These calculated acute and short term exposures are very conservative, and are small enough to be of little significance.

AGGREGATE ACUTE EXPOSURE TO PYRIPROXYFEN FOR TWO REPRESENTATIVE U.S. POPULATIONS
(SUMMATION OF LOW PROBABILITY MAXIMUM VALUES)

Exposure Medium	Exposure (mg/kg bw/day)	
	U.S. Population (all seasons)	Non-Nursing Infant (less than 1 year)
Non-dietary	0.085	0.0015
Food	0.000012	0.000012
Drinking water	0.0000066	0.000023
Sum of acute exposures	0.0850186	0.001535
Margin of exposure	276	15,300

ii. *Chronic exposures*. Potential chronic exposures to pyriproxyfen are considered to be derived from dietary exposures to primary and secondary residues in food, and to potential residues in drinking water. To calculate the total potential chronic exposure from food and drinking water, the calculated exposures from both media can be summed. To assess risk these totals can then be compared to the chronic RfD of 0.35 mg/kg bw/day. If the occupancy of the RfD is less than 100%, the Agency usually has little cause for concern. From the table, it can be seen that the total potential chronic exposure to pyriproxyfen is truly insignificant, and should not be cause for concern.

AGGREGATE CHRONIC EXPOSURE TO PYRIPROXYFEN FOR TWO REPRESENTATIVE U.S. POPULATIONS

Exposure Medium	Exposure (mg/kg bw/day)		
	U.S. Population (all seasons)	Non-Nursing Infant (less than 1 year)	Children (1 - 6 Years)
Food	0.000026	0.000065	0.000095
Drinking water	0.0000023	0.000008	0.000008
Sum of chronic exposures	0.0000283	0.000073	0.000103
Occupancy of RfD (percent)	0.0081	0.021	0.029

D. Cumulative Effects

Section 408(b)(2)(D)(v) requires that the Agency must consider ''available information'' concerning the cumulative effects of a particular pesticide's residues and ''other substances that have a common mechanism of toxicity''. ''Available information'' in this context 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.

There are no other pesticidal compounds that appear to be structurally, closely related to pyriproxyfen and may have similar effects on animals. In consideration of potential cumulative effects of pyriproxyfen and other substances that may have a common mechanism of toxicity, there are currently no available data or other reliable information indicating that any toxic effects produced by pyriproxyfen would be cumulative with those of other chemical compounds. Thus, only the potential risks of pyriproxyfen have been considered in this assessment of aggregate exposure and effects.

Valent will submit information for EPA to consider concerning potential cumulative effects of pyriproxyfen consistent with the schedule established by EPA at 62 FR 42020 (Aug. 4, 1997) (FRL–5734–6) and other EPA publications pursuant to the Food Quality Protection Act.

E. Safety Determination

1. *U.S. population*. Based on a complete and reliable toxicity database, EPA has established an RfD value of 0.35 mg/kg bw/day using the NOEL from the chronic rat feeding study and a 100-fold uncertainty factor.

i. *Chronic*. The aggregate chronic exposure to pyriproxyfen will utilize much less than 0.1% of the RfD for the U.S. population. Because estimated exposures are far below 100% of the RfD, Valent concludes that there is a reasonable certainty that no harm will result from chronic aggregate exposure to pyriproxyfen residues.

ii. *Acute*. Assessment of aggregate acute exposure to food and non-food uses of pyriproxyfen to the U.S. population and numerous sub-populations has demonstrated that exposures are small. MOE values using very conservative assumptions and a conservative toxicity endpoint are all greater than 100 and it can be concluded that there is reasonable certainty of no harm from acute exposures to pyriproxyfen.

2. *Infants and children*— i. *Chronic*. Using the same conservative exposure assumptions as for the general population, the percent of the RfD utilized by aggregate chronic exposure to residues of pyriproxyfen is 0.021% for Non-Nursing Infants, and 0.029% for Children (1 - 6 Years), the most highly exposed child population subgroup. Because estimated exposures to infants and children are far below 100% of the RfD, Valent concludes that there is a reasonable certainty that no harm will result from chronic aggregate exposure to pyriproxyfen residues.

ii. *Acute*. Assessment of aggregate acute exposure to food and non-food uses of pyriproxyfen to infants and children has demonstrated that exposures allow calculation of acceptable MOE values. Using very conservative assumptions and a

conservative toxicity endpoint are all MOE values are greater than 100. Therefore, it can be concluded that there is reasonable certainty of no harm to infants and children from potential acute exposures to pyriproxyfen.

3. *Additional safety factor to provide additional protection to infants and children.* Pyriproxyfen is supported by a complete, reviewed and reliable toxicology database. The toxicology of pyriproxyfen has been extensively evaluated in acute, sub-chronic, chronic, developmental, and reproductive toxicology studies including detailed histopathology of numerous tissues. The results of these studies show no evidence of any unique pathology or other effects to fetal or developing young experimentsl animals. In all these studies there is no indication that young or developing animals are any more sensitive to toxicity from pyriproxyfen or its metabolites than adult animals. The developmental toxicity studies and reproduction study all demonstrated that any toxicity attributable to pyriproxyfen was observed in adults at lower levels than in fetuses or in developing young animals. There is no indication that a higher safety factor, other than 100, is needed for additional protection for infants and children.

F. International Tolerances

There are presently no Codex maximum residue levels established for residues of pyriproxyfen on any crop.

[FR Doc. 98–5985 Filed 3–5–98; 8:45 am]

BILLING CODE 6560–50–F

ENVIRONMENTAL PROTECTION AGENCY

[FRL–5972–6]

Rhode Island Marine Sanitation Device Standard; Receipt of Petition

Notice is hereby given that a petition has been received from the State of Rhode Island requesting a determination from the Regional Administrator, U.S. Environmental Protection Agency, pursuant to section 312(f)(3) of Pub. L. 92–500 as amended by Pub. L. 95–217 and Pub. L. 100–4, that adequate facilities for the safe and sanitary removal and treatment of sewage from all vessels are reasonably available for all waters within the 3 mile territorial limit of Rhode Island's coastline and all coastal shore ponds which would include Point Judith and Potter Ponds, Quonochontaug Pond, Ninigret and Green Hill Ponds, Winnapaug Pond, the Pawcatuck River and also within the 3 mile territorial waters surrounding Block Island. The areas covered under this petition include Latitude 71°22′55″ Longitude 41°53′36″ at the Providence River, Latitude 71°13′09″, 71°12′18″ Longitude 41°42′11″, 41°41′09″ in Mount Hope Bay, Latitude 71°07′04″, Longitude 41°26′25″ at the Massachusetts state border, and Latitude 71°55′48″ Longitude 41°16′40″ at the Connecticut border.

The State of Rhode Island has certified that there are forty-three disposal facilities available to service vessels operating in the marine waters of Rhode Island. A list of the facilities, phone numbers, locations, and hours of operation is appended at the end of this petition. Six additional facilities are pending or under construction. Of the forty-three facilities, thirty-eight are fixed shore based facilities, one is a mobile cart, and four are pump-out boats. Fourteen of the thirty-eight fixed, shore based facilities discharge to holding tanks. The other twenty-four discharge directly to municipal sewerage systems. The four pump-out boats also discharge to the sewer. In addition there are shoreside restrooms at all of the marinas as mandated by § 300.4 of the Rhode Island Coastal Resources Management Program Rules and Regulations.

Rhode Island mandates that all fixed facilities connect to available sewers, and holding tanks will ONLY be approved in locations where direct connection to an existing sewer system is not possible. The facilities which use holding tanks for boater wastes are required to use licensed septage haulers who must abide by § 6.00 of the Rules and Regulations set forth by the Division of Waste Management, Department of Environmental Management. The state conducts periodic inspections for the purpose of record keeping and facility evaluation to assure pump-out facilities are operational and functioning.

The pump-out facilities are capable of evacuating and discharging at head differentials of 25 feet. The capacity of the holding tanks is 5,000 gallons as recommended under Rhode Island's Clean Vessel Act grant guidelines. The tanks are fitted with alarms that activate to ensure waste removal before the capacity is reached.

There are 31,608 boats registered with the Rhode Island Department of Environmental Management Boating Office, 27,697 of which are recreational and 3,911 of which are commercial. Rhode Island estimates there are 11,203 registered boats larger than 20 feet and approximately 5,033 transient boats larger than 20 feet. Rhode Island calculates that approximately 16,236 boats use pump-outs in their marine waters.

In 1985 the Environmental Protection Agency designated Narragansett Bay as an ''estuary of national significance''. The Narragansett Bay Comprehensive Conservation and Management Plan recommends that the Bay become a No Discharge Area to achieve greater water quality protection. The area supports 25 State parks, 160 marinas, and approximately 1.3 million visits are made to bayside beaches each year. Nearly 300,000 residents and nonresidents participate in recreational and commercial fishing.

Comments and reviews regarding this request for action may be filed on or before May 5, 1998. Communications or requests for information should be addressed to Ann Rodney, U.S. Environmental Protection Agency—New England Region, Office of Environmental Protection, Water Quality Unit (CWQ), JFK Federal Building, Boston, MA 02203. *Telephone:* 617–565–4885.

Dated: February 23, 1998.

John P. DeVillars,

Regional Administrator.

PUMP-OUT FACILITIES AVAILABLE IN RHODE ISLAND WATERS

Marina name	Number	Water body	Hours of operation
City of Providence	454–4447	Seekonk River	F–Su 10 am–9:30 pm/M–Th 10 am–8 pm.
Bootlegger Marina	273–2444	Seekonk River	F–Su 10 am–9:30 pm/M–Th 10 am–8 pm.
Edgewood Yacht Club	466–1000/ext: 3245	Providence River	24 Hours.
Port Edgewood Marina	941–2000	Providence River	24 Hours.
Pawtuxet Cove Marina	941–2000	Providence River	24 Hours.
Rhode Island Yacht Club	941–0220	Providence River	24 Hours.

PUMP-OUT FACILITIES AVAILABLE IN RHODE ISLAND WATERS—Continued

Marina name	Number	Water body	Hours of operation
Cove Haven Marina	246–1600, Ch 9	Bullocks River	24 Hours.
Warren Town Dock	245–7340	Warren River	24 Hours.
Bristol—BOAT	253–1700	Kickamuit River/Bristol Harbor	Daily 8 am–12 pm.
Rockwell Town Pier	253–1700	Bristol Harbor	W 3 pm–6 pm/Sa–Su 10 a–p.
Brewer's Sakonnet Marina	683–3551, Ch 9	Sakonnet River	Daily 8 am–5 pm.
Pirates Cove Marina	683–3030, Ch 9	Sakonnet River	Daily 8 am–5 pm.
East Passage Yachting Center	683–4000, Ch 9	East Passage	May–Sep 7 am–7 pm/Oct–Apr 8 am–5 pm.
Alden Yacht	683–4200, Ch 71	East Passage	Call 683–4200.
Bay Marina Inc	739–6435	Warwick Cove	Call 739–6435.
Carlson's Marina	738–4278, Ch 9	Warwick Cove	Apr–Nov 8 am–5 pm.
Wharf Marina	737–2233	Warwick Cove	24 Hours.
Harbor Light Marina	737–6353	Warwick Cove	Daily 8 am–9 pm.
Warwick Cove Marina	737–2446	Warwick Cove	Daily 7 am–8 pm.
Apponaug Harbor Marina	739–5055	Apponaug Cove	M–F 9 am/Sa 12 pm–4 pm.
Brewer's Yacht Yard at Cowesett	884–0544, Ch 9	Greenwich Bay/Apponaug Cove	M–Sa 8 am–4:30 pm.
Greenwich Bay Marina Club	884–1810, Ch 9	Greenwich Bay & Cove	Apr–Nov 8 am–5 pm.
East Greenwich Yacht Club	884–7700, Ch 9	Greenwich Cove	Daily 9 am–4 pm.
Allen Harbor Marina	294–1212	Allen Harbor	Call 294–1212.
Brewer's Wickford Cove Marina	884–7014, Ch 9	Wickford Harbor	Daily 7 am–6 pm.
Wickford Marina	294–8160, Ch 10	Wickford Harbor	Daily 8 am–6 pm.
Goat Island	849–5655, Ch 9	Newport Harbor	Daily 7:30 am–8 pm.
Long Wharf Marina—BOAT	849–2210, Ch 9	Newport Harbor	Daily 8 am–6 pm.
Newport Yachting Center	846–1600, Ch 9 & 11	Newport Harbor	Daily 8 am–7:30 pm.
Newport Yacht Club	846–1600	Newport Harbor	Daily 8 am–8 pm.
Ida Lewis Yacht Club		Newport Harbor	Members & Guests.
New York Yacht Club		Newport Harbor	Members & Guests.
East Ferry Town Dock—2	423–7262	Jamestown Harbor	Daily 8 am–8 pm.
West Ferry Town Dock	423–1556	Dutch Island	24 Hours.
Ram Point Marina	738–4535, Ch 1 & 9	Point Judith Pond	24 Hours.
Avondale Boat Yard	348–8187	Little Narr./Pawcatuck River	Daily 8 am–5 pm.
Block Island Boat Basin	466–2631, Ch 9	Great Salt Pond	Daily 7 am–7 pm.
Champlins Marina	466–2641, Ch 68	Great Salt Pond	Daily 7 am–9 pm.
Payne's Dock	466–5572	Great Salt Pond	Daily 7 am–6 pm.
Block Island Harbor Dept.—2 BOATS.	466–3204, CH 12	Great Salt Pond	Daily 7 am–11 am/1 pm–sunset.
Block Island Town Dock—cart	466–3204	Old Harbor	Daily 7 am–5 pm.

All phone numbers use area code 401.

PENDING PUMP-OUT FACILITIES

Marina	Number	Water body	Hours of operation
Warren—BOAT	245–7340	Warren River	To be determined.
Jamestown—BOAT		Jamestown Harbor	To be determined.
Galilee State Pier		Point Judith Pond	To be determined.
Southern View Marina		Point Judith Pond	To be determined.
Frank Hall Boat Yard		Little Narr Bay/Pawcatuck River	May–Nov 8 am–4 pm.
Watch Hill—BOAT		Little Narr Bay/Pawcatuck River	To be determined.

[FR Doc. 98–5317 Filed 3–5–98; 8:45 am]

BILLING CODE 6560–50–P

ENVIRONMENTAL PROTECTION AGENCY

[FRL–5974–7]

Notice of Intent for Stormwater Discharges Associated With Construction Activity

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice.

SUMMARY: The EPA is providing notice of OMB approval of a revised Notice of Intent (NOI) for stormwater discharges associated with construction activities (EPA Form No. 3510–9, OMB Approval No. 2040–0188). This form will replace all previous NOI forms used for construction activities and is to be used for all NOIs submitted on or after April 6, 1998. EPA encourages applicants to use this NOI immediately. This NOI will also be used for future EPA construction general permits for stormwater discharges associated with construction activities.

FOR FURTHER INFORMATION CONTACT: If you have administrative questions, please call the NOI Center at (703) 931–3230. For further assistance, contact Angela Lee, Permits Division U.S. EPA, 401 M Street, SW, Washington, D.C. 20460, phone (202) 260–6814. Applicants may also call the following EPA Regional Offices: Region 1 (Boston) 617–565–3569; Region 2 (New York City) 800–245–6510; Region 3 (Philadelphia) 215–566–3392; Region 4 (Atlanta) 404–562–9296; Region 6 (Dallas) 800–245–6510; Region 7 (Kansas City) 913–551–7418; Region 8 (Denver) 303–312–6234; Region 9 (San Francisco) 415–744–1906; Region 10 (Seattle) 206–553-8399. Copies of the Construction General Permit as

published in the **Federal Register** are available by calling (202) 260–7786 or through the Internet at ''http://www.epa.gov/owm/cgp.htm''

Background

Those who wish to obtain coverage under EPA's general permit for stormwater discharges associated with construction activities for Regions 1, 2, 3, 7, 8, 9, and 10 that was issued on February 17, 1998 (63 FR 7858) (Construction General Permit) are encouraged to use this NOI form immediately but must use this NOI if it is submitted on or after April 6, 1998. In addition, permittees that have previously filed an NOI in a timely manner to administratively extend the Baseline Construction General Permit must complete and submit the new NOI form by May 18, 1998. The reissued Construction General Permit authorizes the discharge of storm water associated with construction activity disturbing five or more acres and smaller sources that are designated by the Agency on a case-by-case basis. Separate construction general permits for EPA NPDES-regulated areas in Regions 4 and 6 are under development and will be available in the near future; EPA Region 5 has not developed a construction general permit. Issuance of these new construction general permits will not affect areas where a State agency is the NPDES permitting authority.

BILLING CODE 6560–50–P

THIS FORM REPLACES PREVIOUS FORM 3510-6 (8-98)
See Reverse for Instructions

Form Approved. OMB No. 2040-0188

NPDES FORM

EPA

United States Environmental Protection Agency
Washington, DC 20460

Notice of Intent (NOI) for Storm Water Discharges Associated wit CONSTRUCTION ACTIVITY Under a NPDES General Permit

Submission of this Notice of Intent constitutes notice that the party identified in Section I of this form intends to be authorized by a NPDES permit issued for storm water discharges associated with construction activity in the State/Indian Country Land identified in Section II of this form. Submission of this Notice of Intent also constitutes notice that the party identified in Section I of this form meets the eligibility requirements in Part I.B. of the general permit (including those related to protection of endangered species determined through the procedures in Addendum A of the general permit), understands that continued authorization to discharge is contingent on maintaining permit eligibility, and that implementation of the Storm Water Pollution Prevention Plan required under Part IV of the general permit will begin at the time the permittee commences work on the construction project identified in Secion II below. IN ORDER TO OBTAIN AUTHORIZATION, ALL INFORMATION REQUESTED MUST BE INCLUDED ON THIS FORM. SEE INSTRUCTIONS ON BACK OF FORM.

I. Owner/Operator (Applicant) Information

Name: Phone:

Address: Status of Owner/Operator: ☐

City: State: Zip Code: –

II. Project/Site Information

Is the facility located on Indian Country Lands? Yes ☐ No ☐

Project Name:

Project Address/Location:

City: State: Zip Code: –

Latitude: Longitude: County:

Has the Storm Water Pollution Prevention Plan (SWPPP) been prepared? Yes ☐ No ☐

Optional: Address of location of SWPPP for viewing ☐ Address in Section I above ☐ Address in Section II above ☐ Other address (if known) below:

SWPPP Address: Phone:

City: State: Zip Code: –

Name of Receiving Water:

Month Day Year — Estimated Construction Start Date

Month Day Year — Estimated Completion Date

Estimate of area to be disturbed (to nearest acre):

Estimate of Likelihood of Discharge (choose only one):

1. ☐ Unlikely
2. ☐ Once per month
3. ☐ Once per week
4. ☐ Once per day
5. ☐ Continual

Based on instruction provided in Addendum A of the permit, are there any listed endangered or threatened species, or designated critical habitat in the project area?

Yes ☐ No ☐

I have satisfied permit eligibility with regard to protection of endangered species through the indicated section of Part I.B.3.e.(2) of the permit (check one or more boxes):

(a) ☐ (b) ☐ (c) ☐ (d) ☐

III. Certification

I certify under penalty of law that this document and all attachments were prepared under my direction or supervision in accordance with a system designed to assure that qualified personnel properly gather and evaluate the information submitted. Based on my inquiry of the person or persons who manage this system, or those persons directly responsible for gathering the information, the information submitted is, to the best of my knowledge and belief, true, accurate, and complete. I am aware that there are significant penalties for submitting false information, including the possibility of fine and imprisonment for knowing violations.

Print Name: Date:

Signature: _____

EPA Form 3510-9 replaced 3510-6 (8-98)

EPA

Instructions – EPA Form 3510-9

Form Approved. OMB No. 2040-0188

Notice of Intent (NOI) for Storm Water Discharges Associated with Construction Activity to be Covered Under a NPDES Permit

Who Must File a Notice of Intent Form

Under the provisions of the Clean Water Act, as amended, (33 U.S.C. 1251 et.seq.; the Act), except as provided by Part I.B.3 the permit, Federal law prohibits discharges of pollutants in storm water from construction activities without a National Pollutant Discharge Elimination System Permit. Operator(s) of construction sites where 5 or more acres are disturbed, smaller sites that are part of a larger common plan of development or sale where there is a cumulative disturbance of at least 5 acres, or any site designated by the Director, must submit an NOI to obtain coverage under an NPDES Storm Water Construction General Permit. If you have questions about whether you need a permit under the NPDES Storm Water program, or if you need information as to whether a particular program is administered by EPA or a State agency, write to or telephone the Notice of Intent Processing Center at (703) 931-3230.

Where to File NOI Form

NOIs must be sent to the following address:

Storm Water Notice of Intent (4203)
USEPA
401 M. Street, SW
Washington, D.C. 20460

Do not send Storm Water Pollution Prevention Plans (SWPPPs) to the above address. For overnight/express delivery of NOIs, please include the room number 2104 Northeast Mall and phone number (202) 260-9541 in the address.

When to File

This form must be filed at least 48 hours before construction begins.

Completing the Form

OBTAIN AND READ A COPY OF THE APPROPRIATE EPA STORM WATER CONSTRUCTION GENERAL PERMIT FOR YOUR AREA. To complete this form, type or print, using uppercase letters, in the appropriate areas only. Please place each character between the marks (abbreviate if necessary to stay within the number of characters allowed for each item). Use one space for breaks between words, but not for punctuation marks unless they are needed to clarify your response. If you have any questions on this form, call the Notice of Intent Processing Center at (703) 931-3230.

Section I. Facility Owner/Operator (Applicant) Information

Provide the legal name, mailing address, and telephone number of the person, firm, public organization, or any other entity that meet either of the following two criteria: (1) they have operational control over construction plans and specifications, including the ability to make modifications to those plans and specifications; or (2) they have the day-to-day operational control of those activities at the project necessary to ensure compliance with SWPPP requirements or other permit conditions. Each person that meets either of these criteria must file this form. Do not use a colloquial name. Correspondence for the permit will be sent to this address.

Enter the appropriate letter to indicate the legal status of the owner/operator of the project: F = Federal; S = State; M = Public (other than federal or state); P = Private.

Section II. Project/Site Information

Enter the official or legal name and complete street address, including city, county, state, zip code, and phone number of the project or site. If it lacks a street address, indicate with a general statement the location of the site (e.g., Intersection of State Highways 61 and 34). Complete site information must be provided for permit coverage to be granted.

The applicant must also provide the latitude and longitude of the facility in degrees, minutes, and seconds to the nearest 15 seconds. The latitude and longitude of your facility can be located on USGS quadrangle maps. Quadrangle maps can be obtained by calling 1-800 USA MAPS. Longitude and latitude may also be obtained at the Census Bureau Internet site: http://www.census.gov/cgi-bin/gazetteer.

Latitude and longitude for a facility in decimal form must be converted to degrees, minutes and seconds for proper entry on the NOI form. To convert decimal latitude or longitude to degrees, minutes, and seconds, follow the steps in the following example.

Convert decimal latitude 45.1234567 to degrees, minutes, and seconds.

1) The numbers to the left of the decimal point are degrees.
2) To obtain minutes, multiply the first four numbers to the right of the decimal point by 0.006. 1234 x .006 = 7.404.
3) The numbers to the left of the decimal point in the result obtained in step 2 are the minutes: 7'.
4) To obtain seconds, multiply the remaining three numbers to the right of the decimal from the result in step 2 by 0.06: 404 x 0.06 = 24.24. Since the numbers to the right of the decimal point are not used, the result is 24".
5) The conversion for 45.1234 = 45° 7' 24".

Indicate whether the project is on Indian Country Lands.

Indicate if the Storm Water Pollution Prevention Plan (SWPPP) has been developed. Refer to Part IV of the general permit for information on SWPPPs. To be eligible for coverage, a SWPPP must have been prepared.

Optional: Provide the address and phone number where the SWPPP can be viewed if different from addresses previously given. Check appropriate box.

Enter the name of the closest water body which receives the project's construction storm water discharge.

Enter the estimated construction start and completion dates using four digits for the year (i.e. 05/27/1998).

Enter the estimated area to be disturbed including but not limited to: grubbing, excavation, grading, and utilities and infrastructure installation. Indicate to the nearest acre; if less than 1 acre, enter "1." Note: 1 acre = 43,560 sq. ft.

Indicate your best estimate of the likelihood of storm water discharges from the project. EPA recognizes that actual discharges may differ from this estimate due to unforeseen or chance circumstances.

Indicate if there are any listed endangered or threatened species, or designated critical habitat in the project area.

Indicate which Part of the permit that the applicant is eligible with regard to protection of endangered or threatened species, or designated critical habitat.

Section III. Certification

Federal Statutes provide for severe penalties for submitting false information on this application form. Federal regulations require this application to be signed as follows:

For a corporation: by a responsible corporate officer, which means: (i) president, secretary, treasurer, or vice president of the corporation in charge of a principal business function, or any other person who performs similar policy or decision making functions, or (ii) the manager of one or more manufacturing, production, or operating facilities employing more than 250 persons or having gross annual sales or expenditures exceeding $25 million (in second-quarter 1980 dollars), if authority to sign documents has been assigned or delegated to the manager in accordance with corporate procedures;

For a partnership or sole proprietorship: by a general partner of the proprietor, or

For a municipality, state, federal, or other public facility: by either a principal executive or ranking elected official. An unsigned or undated NOI form will not be granted permit coverage.

Paperwork Reduction Act Notice

Public reporting burden for this application is estimated to average 3.7 hours. This estimate includes time for reviewing instructions, searching existing data sources, gathering and maintaining the data needed, and completing and reviewing the collection of information. 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. Send comments regarding the burden estimate, any other aspect of the collection of information, or suggestions for improving this form, including any suggestions which may increase or reduce this burden to: Director, OPPE Regulatory Information Division (2137), U.S. Environmental Protection Agency, 401 M Street, SW, Washington, D.C. 20460. Include the OMB control number on any correspondence. Do not send the completed form to this address.

Dated: February 27, 1998.

Michael B. Cook,

Director, Office of Wastewater Management.

[FR Doc. 98–5852 Filed 3–5–98; 8:45 am]

BILLING CODE 6560–50–C

FEDERAL COMMUNICATIONS COMMISSION

Notice of Public Information Collection(s) Submitted to OMB for Review and Approval

February 27, 1998.

SUMMARY: The Federal Communications Commission, as part of its continuing effort to reduce paperwork burden invites the general public and other Federal agencies to take this opportunity to comment on the following information collection(s), as required by the Paperwork Reduction Act of 1995, Public Law 104–13. An agency may not conduct or sponsor a collection of information unless it displays a currently valid control number. No person shall be subject to any penalty for failing to comply with a collection of information subject to the Paperwork Reduction Act (PRA) that does not display a valid control number. Comments are requested concerning (a) whether the proposed collection of information is necessary for the proper performance of the functions of the Commission, including whether the information shall have practical utility; (b) the accuracy of the Commission's burden estimate; (c) ways to enhance the quality, utility, and clarity of the information collected; and (d) ways to minimize the burden of the collection of information on the respondents, including the use of automated collection techniques or other forms of information technology.

DATES: Written comments should be submitted on or before April 6, 1998. If you anticipate that you will be submitting comments, but find it difficult to do so within the period of time allowed by this notice, you should advise the contact listed below as soon as possible.

ADDRESSES: Direct all comments to Judy Boley, Federal Communications Commission, Room 234, 1919 M St., N.W., Washington, DC 20554 or via internet to jboley@fcc.gov.

FOR FURTHER INFORMATION CONTACT: For additional information or copies of the information collection(s), contact Judy Boley at 202–418–0214 or via internet at jboley@fcc.gov.

SUPPLEMENTARY INFORMATION:

OMB Control No.: 3060–0108.

Title: Emergency Alert System, EAS Activation Report.

Form No.: FCC Form 201.

Type of Review: Extension of a currently approved collection.

Respondents: Business or other for-profit, not-for-profit institutions, state, local, or tribal government.

Number of Respondents: 1,300.

Estimated Time Per Response: .084 hours.

Frequency of Response: On occasion reporting requirement.

Cost to Respondents: N/A.

Total Annual Burden: 109 hours.

Needs and Uses: The Emergency Broadcast System (EBS) was changed to the Emergency Alert System (EAS) effective January 1, 1997. This change required that all EBS collections/forms be corrected to reflect the name change. The EAS Activation Report postcard was developed as part of the EAS planning program. The program is a tri-agency agreement between the FCC, the NOAA National Weather Service, and the Federal Emergency Management Agency (FEMA). The postcard was recommended for use in the program by the National Industry Advisory Committee (NIAC).

The postcard allows the three agencies to assess the success of the program and identify the areas of the country that need further assistance in developing their local EAS plan.

OMB Control No.: 3060–0629.

Title: Section 76.987, New Product Tiers.

Form No.: N/A.

Type of Review: Extension of a currently approved collection.

Respondents: Business or other for-profit.

Number of Respondents: 500.

Estimated Time Per Response: .5 hours.

Frequency of Response: On occasion reporting requirement and third party disclosure requirement.

Cost to Respondents: $500.

Total Annual Burden: 250 hours.

Needs and Uses: Section 76.987(g) states that within 30 days of the offering of a New Product Tier (NPT), operators shall file with the Commission, a copy of the new rate card that contains the following information on the BSTs, CPSTs, and NPTs: (1) The names of the programming services contained on each tier, and (2) the price of each tier. Operators also must file with the Commission, copies of notifications that were sent to subscribers regarding the initial offering of NPTs. After this initial filing, cable operators must file updated rate cards and copies of customer notifications with the Commission within 30 days of rate or service changes affecting the NPT.

The information contained in NPT filings is used by the Commission to ensure that cable operators are complying with conditions set forth for NPTs, i.e., that operators are not making fundamental changes to what they offer on their tiers of service, and that subscribers are given due notice of NPT offerings.

OMB Control No.: 3060–0685.

Title: Annual Updating of Maximum Permitted Rates for Regulated Cable Services.

Form No.: FCC Form 1240.

Type of Review: Extension of a currently approved collection.

Respondents: Business or other for-profit, state, local, or tribal government.

Number of Respondents: 4,500.

Estimated Time Per Response: 10.5 hours (avg.).

Frequency of Response: Annual reporting requirement.

Cost to Respondents: $1,134,000.

Total Annual Burden: 47,250 hours.

Needs and Uses: FCC Form 1240 is used by cable operators to file for annual rate adjustments to maximum permitted rates for regulated services to reflect external costs. The FCC Form 1240 implements an optional rate methodology where cable operators are permitted to make annual rate adjustments, as opposed to quarterly FCC Form 1210 rate adjustments. Cable operators' initial FCC Form 1240 filings are permitted to include projected rate changes attributable to the period between the last date for which historical cost data is available and the effective date of the new rates.

Federal Communications Commission.

Magalie Roman Salas,

Secretary.

[FR Doc. 98–5810 Filed 3–5–98; 8:45 am]

BILLING CODE 6712–01–P

FEDERAL COMMUNICATIONS COMMISSION

Public Information Collection(s) Approved by Office of Management and Budget

February 27, 1998.

The Federal Communications Commission (FCC) has received Office of Management and Budget (OMB) approval for the following public information collection(s) pursuant to the Paperwork Reduction Act of 1995, 44 U.S.C. 3501–3520. An agency may not conduct or sponsor a collection of information unless it displays a currently valid control number. Notwithstanding any other provisions of law, no person shall be subject to any penalty for failing to comply with a collection of information subject to the Paperwork Reduction Act (PRA) that does not display a valid control number. Questions concerning the OMB control numbers and expiration dates should be directed to Jerry Cowden, Federal Communications Commission, (202) 418–0447.

Federal Communications Commission

OMB Control No.: 3060–0190.

Expiration Date: 2/28/2001.

Title: Section 73.3544—Application to obtain a modified station license.

Form Number: Not applicable.

Estimated annual burden: 363 hours; 1 hour per response; 363 respondents.

Description: Section 73.3544 requires broadcast licensees to file informal applications with FCC to obtain modified station license when prior authority is not required to make changes to the station. The data is used by FCC staff to ensure that changes are in accordance with FCC rules and regulations and to issue a modified station license.

OMB Control No.: 3060–0187.

Expiration Date: 2/28/2001.

Title: Section 73.3594—Local public notice of designation for hearing.

Form Number: Not applicable.

Estimated Annual Burden: 28 hours; 2 hours per respondent; 14 respondents.

Description: Section 73.3594 requires that applicants of any AM, FM or TV broadcast station designated for hearing give notice of such designation. The notice gives interested parties an opportunity to respond.

OMB Control No.: 3060–0182.
Expiration Date: 2/28/2001.
Title: Section 73.1620—Program tests.
Form Number: Not applicable.
Estimated Annual Burden: 1,226 hours; 1–5 hours per respondent (1 hour for Section 73.1620(a)–(f); 5 hours for Section 73.1620(g)); 1,162 respondents.
Description: The notification to the FCC regarding program tests (Section 73.1620(a)) alerts FCC that station construction is complete and the station is ready to broadcast program material. The notification to UHF translator stations (Section 73.1620(f)) alerts the station that the potential for interference exists. The report to FCC regarding deviations (Section 73.1620(g)) ensures that comparative promises relating to services are not inflated.

OMB Control No.: 3060–0488.
Expiration Date: 2/28/2001.
Title: Section 73.30—Petition for authorization of an allotment in the 1605–1705 kHz band.
Form Number: Not applicable.
Estimated Annual Burden: 1 hour; 1 hour per respondent; 1 respondent.
Description: Section 73.30 requires any party interested in applying for an AM broadcast station to be operated on the 1605–1705 kHz band must first file a petition for the establishment of an allotment to its proposed community of service. The data is used by FCC staff to determine whether applicant meets basic technical requirements to migrate to the expanded band.

OMB Control No.: 3060–0489.
Expiration Date: 2/28/2001.
Title: Section 73.37—Applications for broadcast facilities, showing required.
Form Number: Not applicable.
Estimated annual burden: 285 hours; 6–16 hours per response (these hours include the contracting hour cost to the respondent and the respondent's hour burden); 285 respondents.
Description: Section 73.37(d) requires applicants for a new or major change AM broadcast station to make a satisfactory showing if new or modified nighttime operation by a Class B station is proposed. Section 73.37(f) requires modifications that result in spacing(s) that fail to meet any separations to include a showing that an adjustment has been made. The data is used by FCC staff to ensure that objectionable interference will not be caused to other authorized AM stations.

OMB Control No.: 3060–0492.
Expiration Date: 2/28/2001.
Title: Section 74.992—Access to channels licensed to wireless cable entities.
Form Number: FCC 330.
Estimated Annual Burden: 15 hours; 1.5 hours per respondent; 10 respondents.
Description: Section 74.992(a) requires requests by ITFS entities for access to wireless cable facilities licensed on ITFS frequencies be made by the filing of FCC Form 330. The data is used by FCC staff to determine eligibility of an educational institution or entity demanding access for ITFS use on a wireless cable facility. Section 74.992(d) requires an ITFS user to provide a wireless cable licensee with its planned schedule of use four months in advance of accessing the channels. The advance notice is used by wireless cable licensees to move programming to other channels.

OMB Control No.: 3060–0493.
Expiration Date: 2/28/2001.
Title: Section 74.986—Involuntary ITFS station modifications.
Form Number: FCC 330.
Estimated Annual Burden: 25 hours; 1 hour per respondent; 25 respondents.
Description: Section 74.986 requires that an application for involuntary modification of an ITFS station be filed on FCC Form 330. The data is used by FCC staff to ensure that proposals to modify facilities of ITFS facilities would provide comparable ITFS service and serve the public interest in promoting the MMDS service.

OMB Control No.: 3060–0494.
Expiration Date: 2/28/2001.
Title: Section 74.990—Use of available instructional television fixed service frequencies by wireless cable entities.
Form Number: Not applicable.
Estimated Annual Burden: 42 hours; 0.33–2 hours per response (these hours include the contracting hour cost to the respondents and the respondents' hour burden); 100 respondents.
Description: Section 74.990(c) requires applicants to confirm unopposed status after the period for filing competing applications and petitions to deny has passed. Section 74.990(d) requires a wireless cable applicant to show that there are no multipoint distribution channels available for application, purchase or lease that could be used in lieu of the instructional television fixed service frequencies applied for. The data provided in the showing will be used by FCC staff to ensure that proposals to operate a wireless cable system on ITFS channels do not impair or restrict any reasonably foreseeable ITFS use.

Federal Communications Commission.

Magalie Roman Salas,

Secretary.

[FR Doc. 98–5818 Filed 3–5–98; 8:45 am]

BILLING CODE 6712–01–P

FEDERAL DEPOSIT INSURANCE CORPORATION

Agency Information Collection Activities: Proposed Collection; Comment Request

AGENCY: Federal Deposit Insurance Corporation (FDIC).

ACTION: Notice and request for comment.

SUMMARY: The FDIC, 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 (44 U.S.C. chapter 35). Currently, the FDIC is soliciting comments concerning an information collection titled ''Extensions of Credit to Executive Officers, Unsafe and Unsound Practices.''

DATES: Comments must be submitted on or before May 5, 1998.

ADDRESSES: Interested parties are invited to submit written comments to Tamara R. Manly, Management Analyst (Regulatory Analysis), (202) 898–7453, Office of the Executive Secretary, Room

4022, Attention: Comments/OES, Federal Deposit Insurance Corporation, 550 17th Street, NW., Washington, DC 20429. All comments should refer to ''Extensions of Credit to Executive Officers, Unsafe and Unsound Practices.'' Comments may be hand-delivered to the guard station at the rear of the 17th Street Building (located on F Street), on business days between 7:00 a.m. and 5:00 p.m. [FAX number (202) 898–3838; Internet address: comments@fdic.gov].

A copy of the comments may also be submitted to the OMB desk officer for the FDIC: Alexander Hunt, Office of Information and Regulatory Affairs, Office of Management and Budget, New Executive Office Building, Room 3208, Washington, DC 20503.

FOR FURTHER INFORMATION CONTACT: Tamara R. Manly, at the address identified above.

SUPPLEMENTARY INFORMATION: Proposal to renew the following currently approved collection of information:

Title: Extensions of Credit to Executive Officers, Unsafe and Unsound Practices.

OMB Number: 3064–0108.

Frequency of Response: Annually.

Affected Public: Executive officers of insured nonmember banks who have received extensions of credit from any other bank in excess of the amount the insured nonmember bank could lend to the officer.

Estimated Number of Respondents: 8,000.

Estimated Time per Response: 1 hour.

Estimated Total Annual Burden: 8,000 hours.

General Description of Collection: Executive officers of insured nonmember banks must file a report with their bank's Board of Directors within 10 days of incurring any indebtedness to any other bank in an amount in excess of the amount the insured nonmember bank could lend to the officer.

Request for Comment

Comments are invited on: (a) Whether the collection of information is necessary for the proper performance of the FDIC's functions, including whether the information has practical utility; (b) the accuracy of the estimates of the burden of the information collection, including the validity of the methodology and assumptions used; (c) ways to enhance the quality, utility, and clarity of the information to be collected; and (d) ways to minimize the burden of the information collection on respondents, including through the use of automated collection techniques or other forms of information technology.

At the end of the comment period, the comments and recommendations received will be analyzed to determine the extent to which the collection should be modified prior to submission to OMB for review and approval. Comments submitted in response to this notice also will be summarized or included in the FDIC's requests to OMB for renewal of this collection. All comments will become a matter of public record.

Dated at Washington DC, this 3rd day of March, 1998.

Federal Deposit Insurance Corporation.

Robert E. Feldman,

Executive Secretary.

[FR Doc. 98–5802 Filed 3–5–98; 8:45 am]

BILLING CODE 6714–01–M

FEDERAL EMERGENCY MANAGEMENT AGENCY

Public Consultation Sessions on Draft Agency Policy for American Indians and Alaska Natives

AGENCY: Federal Emergency Management Agency (FEMA).

ACTION: Notice of public meetings.

SUMMARY: FEMA announces the following public consultation sessions:

Name: Draft FEMA American Indian and Alaska Native Tribal Policy Consultation Sessions.

Dates: The public consultation sessions will be held in Seattle, Washington, on March 3, 1998 (Northwest/Alaska); San Francisco, California, on March 5, 1998 (West); Santa Fe, New Mexico, on March 10, 1998 (Southwest); Nashville, Tennessee, on March 12, 1998 (Eastern); Bloomington, Minnesota, on March 13, 1998 (Midwest); and Lakewood, Colorado, on March 24, 1998 (Plains). Any individuals, organizations, and tribal leaders interested in attending one of the public consultation sessions and making oral presentations should call the FEMA points of contact noted below.

Time of Meetings: 9:00 am–4:00 pm.

Locations: National Oceanic and Atmospheric Administration Facility Conference Room, 7600 San Point, N.E., Seattle, Washington; FEMA Region IX, Building 105, 3rd Floor—Robbie Room, The Presidio (South Golden Gate Bridge), San Francisco, California; New Mexico Emergency Management Center, 13 Bataan Boulevard, Santa Fe, New Mexico; Indian Health Service Bldg., 711 Stewart's Ferry Pike, Nashville, Tennessee; Radisson South Hotel, 7800 Normandale Boulevard, Plaza 3 Conference Room, Bloomington, Minnesota; Sheraton Denver West, 360 Union Boulevard, Lakewood, Colorado.

FEMA Contacts: Seattle Session—Bob Grow, (425) 487–4780; San Francisco Session—-Tessa Badua-Larsen, (415) 923–7185; Santa Fe Session—Carrie Moorehead, (940) 898–5368; Nashville Session—Shelley Boone, (912) 225–4572; Red Wing Session—Ron Sherman, Christine Stack, (312) 408–5570; Denver Session—Scott Logan, (303) 235–4864.

Proposed Agenda: These consultations sessions will being at 9:00 a.m. with a presentation by the FEMA Regional Director on the Draft Agency Tribal Policy. The session will then turn to attendees who would like to make oral statements and comments regarding the draft policy. The meeting will adjourn after the attendees have completed their presentations or statements, but in any event, no later than 4:00 pm.

SUPPLEMENTARY INFORMATION: The draft FEMA Policy for American Indians and Alaska Natives was announced in the **Federal Register** for comment on November 17, 1997. The comment period closed for this notice on January 5, 1998. Subsequently, FEMA published an extension to the comment period in the **Federal Register** on February 17, 1998, 63 FR 7793. This latter notice allows comments to be received through these consultation sessions or in writing through March 15, 1998.

A statement of considerations outlining comments received (including those provided as part of the consultations sessions) will be published with the finalized policy in April 1998. Written comments are also invited and may be sent to Rachael Rowland, Intergovernmental Affairs, Federal Emergency Management Agency, 500 C Street, SW, room 801, Washington, D.C. 20472.

Dated: March 3, 1998.

James L. Witt,

Director.

[FR Doc. 98–5822 Filed 3–5–98; 8:45 am]

BILLING CODE 6718–01–P

FEDERAL MARITIME COMMISSION

Security for the Protection of the Public Financial Responsibility to Meet Liability Incurred for Death or Injury to Passengers or Other Persons on Voyages; Notice of Issuance of Certificate (Casualty)

Notice is hereby given that the following have been issued a Certificate of Financial Responsibility to Meet Liability Incurred for Death or Injury to

Passengers or Other Persons on Voyages pursuant to the provisions of Section 2, Public Law 89–777 (46 U.S.C. 817(d)) and the Federal Maritime Commission's implementing regulations at 46 CFR part 540, as amended:

Carnival Corporation, 3655 N.W. 87th Avenue, Miami, FL 33178–2193
Vessel: ELATION

Manhattan Cruises, LLC, Lowline (PSV) Ltd. and Lowline Ltd., 444 Madison Ave., #401, New York, NY 10022
Vessel: EDINBURGH CASTLE

Ulysses Cruises Inc. (d/b/a Premier Cruises), Premier Cruise Lines, Ltd. and International Shipping Partners, Inc., 901 S. America Way, Pier 7, Miami, FL 33132–2073
Vessel: OCEANIC

Dated: March 2, 1998.

Joseph C. Polking,

Secretary.

[FR Doc. 98–5769 Filed 3–5–98; 8:45 am]

BILLING CODE 6730–01–M

FEDERAL MARITIME COMMISSION

Security for the Protection of the Public Indemnification of Passengers for Nonperformance of Transportation; Notice of Issuance of Certificate (Performance)

Notice is hereby given that the following have been issued a Certificate of Financial Responsibility for Indemnification of Passengers for Nonperformance of Transportation pursuant to the provisions of Section 3, Public Law 89–777 (46 U.S.C. 817(e)) and the Federal Maritime Commission's implementing regulations at 46 CFR part 540, as amended:

Celebrity Cruises, Inc., 5201 Blue Lagoon Dr., Miami, FL 33126
Vessels: CENTURY, GALAXY, HORIZON, MERCURY, and ZENITH

Manhattan Cruises, LLC, 444 Madison Ave., #401, New York, NY 10022
Vessel: EDINBURGH CASTLE

Premier Cruise Lines, Ltd. and Ulysses Cruises Inc. (d/b/a Premier Cruises), 901 S. America Way, Pier 7, Miami, FL 33132–2073
Vessel: OCEANIC

Dated: March 2, 1998.

Joseph C. Polking,

Secretary.

[FR Doc. 98–5768 Filed 3–5–98; 8:45 am]

BILLING CODE 6730–01–M

FEDERAL MARITIME COMMISSION

Sunshine Act Meeting

AGENCY HOLDING THE MEETING: Federal Maritime Commission.

TIME AND DATE: 10:00 A.M.–March 11, 1998.

PLACE: 800 North Capitol Street, N.W.—Room 904 Washington DC.

STATUS: Closed.

MATTER(S) TO BE CONSIDERED: 1. Petition No. P1–98—Petition of China Ocean Shipping (Group) Company for Limited Exemption from Section 9(c) of the Shipping Act of 1984 (Effective Date of Controlled Carrier Rates—Consideration of the Record

CONTACT PERSON FOR MORE INFORMATION: Joseph C. Polking Secretary, (202) 523–5725.

Joseph C. Polking,

Secretary.

[FR Doc. 98–5919 Filed 3–4–98; 10:19 am]

BILLING CODE 6730–01–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, March 11, 1998.

PLACE: Marriner S. Eccles Federal Reserve Board Building, 20th and C Streets, N.W., Washington, D.C. 20551.

STATUS: Closed.

MATTERS TO BE CONSIDERED:

1. Personnel actions (appointments, promotions, assignments, reassignments, and salary actions) involving individual Federal Reserve System employees.

2. Any matters carried forward from a previously announced meeting.

CONTACT PERSON FOR MORE INFORMATION: Joseph R. Coyne, Assistant to the Board; 202–452–3204.

SUPPLEMENTARY INFORMATION: You may call 202–452–3206 beginning at approximately 5 p.m. two business days before the meeting for a recorded announcement of bank and bank holding company applications scheduled for the meeting; or you may contact the Board's Web site at http://www.bog.frb.fed.us for an electronic announcement that not only lists applications, but also indicates procedural and other information about the meeting.

Dated: March 4, 1998.

Jennifer J. Johnson,

Deputy Secretary of the Board.

[FR Doc. 98–5920 Filed 3–4–98; 10:19 am]

BILLING CODE 6210–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Administration for Children and Families

Proposed Information Collection Activity; Comment Request Proposed Projects

Title: Low Income Home Energy Assistance Program Quarterly Allocation Estimates.

OMB No.: 0970–0037.

Description: Used by States to report their estimated funding requirements on a percentage bases, by quarter. The information is used to develop apportionment requests and to provide funding to States when their program requirements are most acute. Certain States need the bulk of their funds during the winter months while others require theirs during the summer months.

Respondents: State, Local or Tribal Govt.

ANNUAL BURDEN ESTIMATES

Instrument	Number of respondents	Number of responses per respondent	Average burden hours per response	Total burden hours
ACF–535	51	1	.25	13

Estimated Total Annual Burden Hours: 13.

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, S.W., Washington, D.C. 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: March 2, 1998.

Bob Sargis,

Acting Reports Clearance Officer.

[FR Doc. 98–5821 Filed 3–5–98; 8:45 am]

BILLING CODE 4184–01–M

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Administration for Children and Families

Notice of Program Announcement No. ACF/ACYF/RHYP 98–1; Fiscal Year (FY) 1998 Runaway and Homeless Youth Program (RHYP): Final Program Priorities, Availability of Financial Assistance for Fiscal Year 1998, and Request for Applications for FY 1998

AGENCY: Family and Youth Services Bureau (FYSB), Administration on Children, Youth and Families (ACYF, HHS).

ACTION: Notice of Fiscal Year 1998 Final Runaway and Homeless Youth (RHY) Program Priorities, availability of financial assistance, and request for applications for the FY 1998 Basic Center Program for Runaway and Homeless Youth (BCP), FY 1998 Street Outreach Program (SOP), FY 1998 Youth Development State Collaboration Demonstration Project (State Demos), and the FY 1999 National Communication System for Runaway and Homeless Youth (NCS).

SUMMARY: The Family and Youth Services Bureau of the Administration on Children, Youth and Families is publishing notice of final program priorities and announcing the availability of funds for:

1. The Basic Center Program for Runaway and Homeless Youth (BCP). The purpose of the Basic Center Program is to provide financial assistance to establish or strengthen locally-controlled centers that address the immediate needs (outreach, temporary shelter, food, clothing, counseling, aftercare, and related services) of runaway and homeless youth and their families.

2. The Street Outreach Program for Runaway, Homeless and Street Youth (SOP). The purpose of the Street Outreach Program is to provide financial assistance to prevent sexual abuse and exploitation of runaway, homeless and street youth. Street-based outreach and education services, including treatment, counseling, and the provision of information and referral assistance are allowable services under this program.

3. Youth Development State Collaboration Demonstration Project (State Demos). The purpose of these demonstration grants is to provide financial assistance to support the use of a youth development approach by States as they address the needs of adolescents at the State and local levels.

4. National Communication System for Runaway and Homeless Youth (NCS). The purpose of the National Communication System is to provide a national youth crisis hotline service that includes information and referral services and crisis counseling to runaway and homeless youth and their families. The system is also responsible for assisting runaway and homeless youth in communicating with their families and with service providers.

DATES: The date and time deadline for RECEIPT by DHHS of applications for new grants under this announcements are as follows:

Competitive grant areas	Deadline dates	Deadline times
BCP	May 8, 1998	4:30 p.m. (EDT).
SOP	May 15, 1998	4:30 p.m. (EDT).
State Demos	May 15, 1998	4:30 p.m. (EDT).
NCS	Oct. 30, 1998	4:30 p.m. (EDT).

FOR FURTHER INFORMATION: Copies of the program announcement will be automatically sent to all current FYSB grantees, all organizations that applied for FYSB grants awards in FY 97 and all individuals and organizations that have asked to be placed on the mailing list for FY 1998. Copies of the program announcement can be obtained by contacting the Administration on Children, Youth and Families, Family and Youth Services Bureau, P.O. Box 1182, Washington, D.C. 20013; Telephone: 1–800–351–2293. A copy of this program announcement is also located at the FYSB website at http://www.acf.dhhs.gov/program/FYSB under Policy and Funding Announcements.

SUPPLEMENTARY INFORMATION: Grant awards of FY 1998 funds will be made by September 30, 1998 for the Basic Center Program, the Street Outreach Program, and the Runaway and Homeless Youth State Collaboration Demonstration Project. The award for the National Communication System will be made in FY 1999.

The estimated funds available for new awards and the approximate number of new grants that are to be awarded under this program announcement are as follows:

Competitive grant areas	New start funds available (millions)	Number of new grants
BCP	$14.6	150
SOP	8.0	80
State Demos	1.0	8
NCS	1.0	1

In addition to the new start grants resulting from the FY 98 competition, the Administration on Children, Youth and Families has provided or anticipates providing FY 1998 noncompetitive, continuation funds to current grantees in the following

programs, as well as grants for the Transitional Living Program (TLP):

Program	Funds available (millions)	Number of grants
BCP	$24.6	233
SOP	5.5	58
TLP	14.1	78

Grantees eligible for these continuation grants will receive letters to that effect from the appropriate Regional grants management offices and should not submit their continuation applications in response to the FY 1998 program announcement.

Catalog of Federal Domestic Assistance

Number 93.623, Basic Center Program for Runaway and Homeless Youth; Number 93.557, Street Outreach Program for Runaway, Homeless and Street Youth; Number 93.623 Youth Development State Collaboration Demonstration Project; and 93.623 for the National Communication System.

Dated: March 2, 1998.

James A. Harrell,

Deputy Commissioner, Administration on Children, Youth and Families.

[FR Doc. 98–5872 Filed 3–5–98; 8:45 am]

BILLING CODE 4184–01–M

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Food and Drug Administration

[Docket No. 98F–0130]

Ciba Specialty Chemicals Corp.; Filing of Food Additive Petition

AGENCY: Food and Drug Administration, HHS.

ACTION: Notice.

SUMMARY: The Food and Drug Administration (FDA) is announcing that Ciba Specialty Chemicals Corp. has filed a petition proposing that the food additive regulations be amended to provide for the safe use of bis(2,2,6,6-tetramethyl-4-piperidinyl) sebacate as a thermal/light stabilizer for polymeric adhesives and pressure-sensitive adhesives.

FOR FURTHER INFORMATION CONTACT: Hortense S. Macon, Center for Food Safety and Applied Nutrition (HFS–206), Food and Drug Administration, 200 C St. SW., Washington, DC 20204, 202–418–3086.

SUPPLEMENTARY INFORMATION: Under the Federal Food, Drug, and Cosmetic Act (sec. 409(b)(5) (21 U.S.C. 348(b)(5))), notice is given that a food additive petition (FAP 8B4574) has been filed by Ciba Specialty Chemicals Corp., 540 White Plains Rd., P.O. Box 2005, Tarrytown, NY 10591–9005. The petition proposes to amend the food additive regulations to provide for the safe use of bis(2,2,6,6-tetramethyl-4-piperidinyl)sebacate in polymeric adhesives and pressure sensitive adhesives.

The agency has determined under 21 CFR 25.32(i) that this action is of the 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.

Dated: February 13, 1998

Alan M. Rulis,

Director, Office of Premarket Approval, Center for Food Safety and Applied Nutrition.

[FR Doc. 98–5801 Filed 3–5–98; 8:45 am]

BILLING CODE 4160–01–F

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Health Care Financing Administration

[Document Identifier: HCFA–R–219]

Agency Information Collection Activities: Submission for OMB Review; Comment Request

In compliance with the requirement of section 3506(c)(2)(A) of the Paperwork Reduction Act of 1995, the Health Care Financing Administration (HCFA), Department of Health and Human Services, has submitted to the Office of Management and Budget (OMB) the following proposal for the collection of information. Interested persons are invited to send comments regarding the burden estimate or any other aspect of this collection of information, including any of the following subjects: (1) The necessity and utility of the proposed information collection for the proper performance of the agency's functions; (2) the accuracy of the estimated burden; (3) ways to enhance the quality, utility, and clarity of the information to be collected; and (4) the use of automated collection techniques or other forms of information technology to minimize the information collection burden.

Type of Information Collection Request: New Collection; *Title of Information Collection:* End Stage Renal Disease Managed Care Demonstration Evaluation; *Form No.:* HCFA–R–219; *Use:* This demonstration is congressionally mandated under the Social Health Maintenance Organization (SHMO) requirements. This evaluation will demonstrate the effectiveness of integrating acute and chronic care patients with ESRD through expanded community care case management services, using innovative approaches to financing methodologies and benefit design. The ESRD Managed Care Demonstration and evaluation will fulfill the SHMO legislative requirements described in this package. *Frequency:* Other 0,12, and 30 months; *Affected Public:* Business or other for-profit, Individuals or Households; *Number of Respondents:* 5,365; *Total Annual Responses:* 5,365; *Total Annual Hours:* 4,540.

To obtain copies of the supporting statement for the proposed paperwork collections referenced above, or any related forms, E-mail your request, including your address and phone number, to Paperwork@hcfa.gov, or call the Reports Clearance Office on (410) 786–1326. Written comments and recommendations for the proposed information collections must be mailed on or before April 6, 1998 directly to the OMB Desk Officer designated at the following address: OMB Human Resources and Housing Branch, Attention: Allison Eydt, New Executive Office Building, Room 10235, Washington, D.C. 20503.

Dated: February 3, 1998.

John P. Burke III,

HCFA Reports Clearance Officer, HCFA, Office of Information Services, Information Technology Investment Management Group, Division of HCFA Enterprise Standards.

[FR Doc. 98–5786 Filed 3–5–98; 8:45 am]

BILLING CODE 4120–03–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Substance Abuse and Mental Health Services Administration

Minority Fellowship Program

AGENCY: Center for Mental Health Services (CMHS), Substance Abuse and Mental Health Services Administration (SAMHSA), HHS.

ACTION: Notice of planned award for renewal of a clinical training grant under the Minority Fellowship Program (MFP) to the American Psychiatric Association (APA).

SUMMARY: SAMHSA's CMHS plans to award a renewal MFP grant to the APA for the clinical training of psychiatric trainees who plan service careers working with ethnic minority populations with mental and addictive health disorders. The project period for the renewal grant is anticipated to be 3

years. The first year will be funded at approximately $400,000.

This is not a general request for applications. The renewal clinical training grant will only be made to the APA based on the receipt of a satisfactory application that is considered to have sufficient merit by an Initial Review Group and the CMHS National Advisory Council.

AUTHORITY: The award will be made under the authority of section 303 of the Public Health Service (PHS) Act. The authority to administer this program has been delegated to the Director, CMHS. The Catalog of Federal Domestic Assistance number for this program is 93.244.

BACKGROUND: Section 303 of the Public Health Service Act assigns to the Secretary, acting through the Director of CMHS, certain responsibility for the clinical training of mental health professionals. CMHS is concerned with the treatment of underserved priority populations; i.e., adults with serious mental illness; children with serious emotional disturbance; elderly, ethnic minority and/or rural populations with mental and addictive disorders. CMHS also considers the lack of suitably trained professionals to be a major cause of the lack of access for ethnic minority communities to appropriate mental health and substance abuse services. Accordingly, CMHS has the responsibility for providing support to facilitate the entry of ethnic minority students into mental health careers and increase the number of professionals trained at the doctoral-level to teach, administer, and provide direct mental health and substance abuse services to ethnic minority communities.

Over the past several decades, the Federal mental health clinical training program at CMHS (and previously at the National Institute of Mental Health [NIMH]) has addressed this gap primarily by attempting to increase the numbers of professionals who wish to dedicate themselves to serving ethnic minority populations with mental and addictive disorders.

A renewal application may be submitted only by the APA. This professional organization has unique access to those students entering the profession of psychiatry. The field of psychiatry has been nationally recognized for decades as part of the four core mental health disciplines, along with psychology, nursing and social work. The American Psychological Association, the American Nursing Association, and the Counsel on Social Work Education also have ongoing CMHS MFP grant support. Psychiatrists provide part of an essential core of services for individuals with serious mental illness and also less severe mental disorders.

The APA is the largest national professional psychiatrists' organization in the country. The APA and its affiliates have activities in all major areas of national policies affecting psychiatry as a profession, including education and training.

The APA, along with its affiliates, has direct involvement in curriculum development, school accreditation, and post-doctoral training. The APA has had decades of experience in working directly with university training programs in its respective field.

Because of the above unique characteristics and long experience, NIMH, the original funding agency, chose APA as the exclusive representative for the field of psychiatry. For over 20 years, the APA has administered the MFP exceptionally well; recruited excellent students, assured that all program requirements were satisfied, and effectively monitored the progress of fellows during and after the fellowship period. The MFP grantee continues in its unique position to represent this core mental health discipline and eligibility for continuation funding has been restricted to it accordingly.

Therefore, because the APA's grant support will end in FY 1998, CMHS is providing additional support for up to 3 years via a renewal grant award.

FOR FURTHER INFORMATION: Questions concerning the CMHS MFP may be directed to Mildred Brooks-McDow, MSW, LICSW, Division of State and Community Systems Development, Human Resources Planning and Development Branch, CMHS, Room 15C–26, 5600 Fishers Lane, Rockville, Maryland 20857, telephone (301) 443–4257.

Dated: February 27, 1998.

Richard Kopanda,

Executive Officer.

[FR Doc. 98–5756 Filed 3–5–98; 8:45 am]

BILLING CODE 4162–20–P

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

[Docket No. FR–4235–N–45]

Federal Property Suitable as Facilities To Assist the Homeless

AGENCY: Office of the Assistant Secretary for Community Planning and Development, HUD.

ACTION: Notice.

SUMMARY: This Notice identifies unutilized, underutilized, excess, and surplus Federal property reviewed by HUD for suitability for possible use to assist the homeless.

FOR FURTHER INFORMATION CONTACT: Mark Johnston, room 7256, Department of Housing and Urban Development, 451 Seventh Street SW, Washington, DC 20410; telephone (202) 708–1226; TDD number for the hearing- and speech-impaired (202) 708–2565 (these telephone numbers are not toll-free), or call the toll-free Title V information line at 1–800–927–7588.

SUPPLEMENTARY INFORMATION: In accordance with 24 CFR part 581 and section 501 of the Stewart B. McKinney Homeless Assistance Act (42 U.S.C. 11411), as amended, HUD is publishing this Notice to identify Federal buildings and other real property that HUD has reviewed for suitability for use to assist the homeless. The properties were reviewed using information provided to HUD by Federal landholding agencies regarding unutilized and underutilized buildings and real property controlled by such agencies or by GSA regarding its inventory of excess or surplus Federal property. This Notice is also published in order to comply with the December 12, 1988 Court Order in *National Coalition for the Homeless* v. *Veterans Administration*, No. 88–2503–OG (D.D.C.).

Properties reviewed are listed in this Notice according to the following categories: Suitable/available, suitable/unavailable, suitable/to be excess, and unsuitable. The properties listed in the three suitable categories have been reviewed by the landholding agencies, and each agency has transmitted to HUD: (1) Its intention to make the property available for use to assist the homeless, (2) its intention to declare the property excess to the agency's needs, or (3) a statement of the reasons that the property cannot be declared excess or made available 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 assist the homeless, and the property will not be available.

Properties listed as unsuitable will not be made available for any other purpose for 20 days from the date of this Notice. Homeless assistance providers interested in a review by HUD of the determination of unsuitability should call the toll free information line at 1–800–927–7588 for detailed instructions or write a letter to Mark Johnston at the address listed at the beginning of this Notice. Included in the request for review should be the property address (including zip code), the date of publication in the **Federal Register,** the landholding agency, and the property number.

For more information regarding particular properties identified in this Notice (*i.e.*, acreage, floor plan, existing sanitary facilities, exact street address), providers should contact the appropriate landholding agencies at the following addresses: ARMY: Mr. Jeff Holste, CECPW–FP, U.S. Army Center for Public Works, 7701 Telegraph Road, Alexandria, VA 22315; (703) 428–6318; (These are not toll-free numbers).

Dated: February 26, 1998.

Fred Karnas, Jr.,

Deputy Assistant Secretary for Economic Development.

TITLE V, FEDERAL SURPLUS PROPERTY PROGRAM, FEDERAL REGISTER REPORT FOR 03/06/98

Suitable/Available Properties

Buildings (by State)

Alabama

Bldg. 3704, Fort Rucker
Ft. Rucker Co: Dale AL 36362–5138
Landholding Agency: Army
Property Number: 219340185
Status: Unutilized
Comment: 5310 sq. ft., 2-story wood, needs rehab, most recent use—barracks, off-site use only

Bldg. 3708, Fort Rucker
Ft. Rucker Co: Dale AL 36362–5138
Landholding Agency: Army
Property Number: 219340189
Status: Unutilized
Comment: 5310 sq. ft., 2-story wood, needs rehab, presence of asbestos, most recent use—barracks, off-site use only

Bldg. 60101
Shell Army Heliport
Ft. Rucker Co: Dale AL 36362–5000
Landholding Agency: Army
Property Number: 219520152
Status: Unutilized
Comment: 6082 sq. ft., 1-story, most recent use—airfield fire station, off-site use only

Bldg. 60103
Shell Army Heliport
Ft. Rucker Co: Dale AL 36362–5000
Landholding Agency: Army
Property Number: 219520154
Status: Unutilized
Comment: 12516 sq. ft., 2-story, most recent use—admin., off-site use only

Bldg. 60110
Shell Army Heliport
Ft. Rucker Co: Dale AL 36362–5000
Landholding Agency: Army
Property Number: 219520155
Status: Unutilized
Comment: 8319 sq. ft., 1-story, most recent use—admin., off-site use only

Bldg. 60113
Shell Army Heliport
Ft. Rucker Co: Dale AL 36362–5000
Landholding Agency: Army
Property Number: 219520156
Status: Unutilized
Comment: 4000 sq. ft., 1-story, most recent use—admin., off-site use only

Bldgs. 2802, 2805
Fort Rucker
Ft. Rucker Co: Dale AL 36362–
Landholding Agency: Army
Property Number: 219620662
Status: Unutilized
Comment: #2802=13,082 sq. ft., #2805=13,082 sq. ft., most recent use—admin., needs repair, off-site use only

Alaska

Bldg. 400
Fort Richardson
Ft. Richardson AK 99505–
Landholding Agency: Army
Property Number: 219440400
Status: Unutilized
Comment: 13056 sq. ft., 2-story wood frame, presence of lead paint and asbestos, off-site use only

Bldg. 402
Fort Richardson
Ft. Richardson AK 99505–
Landholding Agency: Army
Property Number: 219440401
Status: Unutilized
Comment: 13056 sq. ft., 2-story wood, presence of lead paint and asbestos, off-site use only

Bldg. 407
Fort Richardson
Ft. Richardson AK 99505–
Landholding Agency: Army
Property Number: 219440402
Status: Unutilized
Comment: 13056 sq. ft., 2-story wood frame, presence of lead paint and asbestos, off-site use only

Bldg. 1168
Fort Wainwright
Ft. Wainwright Co: Fairbanks AK 99703–
Landholding Agency: Army
Property Number: 219610636
Status: Underutilized
Comment: 6455 sq. ft., concrete, presence of asbestos, most recent use—warehouse

Bldg. 639, Fort Richardson
Ft. Richardson AK 99505–6500
Landholding Agency: Army
Property Number: 219720152
Status: Unutilized
Comment: 9246 sq. ft., concrete, most recent use—auditorium, poor condition, presence of asbestos/lead paint, off-site use only

Bldg. 303
Fort Richardson
Anchorage AK 99505–6500
Landholding Agency: Army
Property Number: 219740272
Status: Excess
Comment: 13,056 sq. ft., presence of asbestos/lead paint, most recent use—family housing, off-site use only

Bldg. 304
Fort Richardson
Anchorage AK 99505–6500
Landholding Agency: Army
Property Number: 219740273
Status: Excess
Comment: 13,506 sq. ft., presence of asbestos/lead paint, most recent use—family housing, off-site use only

Bldgs. 312, 313
Fort Richardson
Anchorage AK 99505–6500
Landholding Agency: Army
Property Number: 219740275
Status: Excess
Comment: 13,506 sq. ft., presence of asbestos/lead paint, most recent use—family housing, off-site use only

Bldgs. 420, 422, 426, 430
Fort Richardson
Anchorage AK 99505–6500
Landholding Agency: Army
Property Number: 219740276
Status: Excess
Comment: 13,056 sq. ft., presence of asbestos/lead paint, most recent use—family housing, off-site use only

Bldg. 660
Fort Richardson
Anchorage AK 99505–6500
Landholding Agency: Army
Property Number: 219740277
Status: Excess
Comment: 21,124 sq. ft., presence of asbestos/lead paint, most recent use—barracks, off-site use only

Bldg. 670
Fort Richardson
Anchorage AK 99505–6500
Landholding Agency: Army
Property Number: 219740278
Status: Excess

Comment: 24,763 sq. ft., presence of asbestos/lead paint, most recent use—barracks, off-site use only

Bldg. 1101
Fort Richardson
Anchorage AK 99505–6500
Landholding Agency: Army
Property Number: 219740279
Status: Excess
Comment: 16,702 sq. ft., presence of asbestos/lead paint, most recent use—barracks, off-site use only

Bldg. 1102
Fort Richardson
Anchorage AK 99505–6500
Landholding Agency: Army
Property Number: 219740280
Status: Excess
Comment: 16,327 sq. ft., presence of asbestos/lead paint, most recent use—barracks, off-site use only

Arizona

Bldg. 82013
Fort Huachuca
Sierra Vista Co: Cochise AZ 85635–
Landholding Agency: Army
Property Number: 219240752
Status: Unutilized
Comment: 2,193 sq. ft., 1 story wood frame, possible asbestos, scheduled to become vacant in 6 months, most recent use—offices, off-site use only

Bldg. 90327
Fort Huachuca
Sierra Vista Co: Cochise AZ 85635–
Landholding Agency: Army
Property Number: 219240753
Status: Unutilized
Comment: 279 sq. ft., 1 story wood frame, possible asbestos, scheduled to become vacant in 6 months, most recent use—offices, off-site use only

Bldg. 82007
Fort Huachuca
Sierra Vista Co: Cochise AZ 85635–
Landholding Agency: Army
Property Number: 219240755
Status: Unutilized
Comment: 4,386 sq. ft., 2 story wood frame, possible asbestos, scheduled to become vacant in 6 months, most recent use—storehouse, off-site use only

Bldg. 82009
Fort Huachuca
Sierra Vista Co: Cochise AZ 85635–
Landholding Agency: Army
Property Number: 219240756
Status: Unutilized
Comment: 2,444 sq. ft., 2 story wood frame, possible asbestos, scheduled to become vacant in 6 months, most recent use—storehouse, off-site use only

Bldg. 84103
Fort Huachuca
Sierra Vista Co: Cochise AZ 85635–
Landholding Agency: Army
Property Number: 219310296
Status: Excess
Comment: 984 sq. ft., 1-story, presence of asbestos and lead paint, most recent use—admin.

Bldg. 30012
Fort Huachuca
Sierra Vista Co: Cochise AZ 85635–
Landholding Agency: Army
Property Number: 219310298
Status: Excess
Comment: 237 sq. ft., 1-story block, most recent use—storage

Bldg. 83102
U.S. Army Intelligence Center, Fort Huachuca
Sierra Vista Co: Cochise AZ 85635–
Landholding Agency: Army
Property Number: 219330236
Status: Unutilized
Comment: 984 sq. ft., 1-story wood, presence of asbestos, most recent use—office, off-site use only

Bldg. 84010
U.S. Army Intelligence Center, Fort Huachuca
Sierra Vista Co: Cochise AZ 85635–
Landholding Agency: Army
Property Number: 219330237
Status: Unutilized
Comment: 2147 sq. ft., 1-story wood, presence of asbestos, most recent use—office, off-site use only

Bldg. 83027
Fort Huachuca
Sierra Vista Co: Cochise AZ 85635–
Landholding Agency: Army
Property Number: 219410249
Status: Unutilized
Comment: 1993 sq. ft.; 2 story; wood; most recent use—admin.; off-site use only

Bldg. 84007
Fort Huachuca
Sierra Vista Co: Cochise AZ 85635–
Landholding Agency: Army
Property Number: 219410250
Status: Unutilized
Comment: 2000 sq. ft.; 2 story; wood; most recent use—admin.; off-site use only

Bldg. 30126
Fort Huachuca
Sierra Vista Co: Cochise AZ 85635–
Landholding Agency: Army
Property Number: 219410252
Status: Unutilized
Comment: 9324 sq. ft.; 1 story; wood; most recent use—maintenance; off-site use only

Bldg. 84014
Fort Huachuca
Sierra Vista Co: Cochise AZ 85635–
Landholding Agency: Army
Property Number: 219410253
Status: Unutilized
Comment: 2260 sq. ft.; 1 story; wood; most recent use—maintenance; off-site use only

Bldg. S–106
Yuma Proving Ground
Yuma Co: Yuma/La Paz AZ 85365–9104
Landholding Agency: Army
Property Number: 219420345
Status: Unutilized
Comment: 1101 sq. ft., 1-story, cold storage bldg., needs repair

Bldg. S–306
Yuma Proving Ground
Yuma Co: Yuma/La Paz AZ 85365–9104
Landholding Agency: Army
Property Number: 219420346
Status: Unutilized
Comment: 4103 sq. ft., 2-story, needs major rehab, scheduled to be vacated on or about 2/95

Bldg. 83023
Fort Huachuca
Sierra Vista Co: Cochise AZ 85635–
Landholding Agency: Army
Property Number: 219430247
Status: Unutilized
Comment: 1648 sq. ft., 1-story, wood frame, most recent use—instructional bldg., needs repair, off-site use only

Bldg. 81028
Fort Huachuca
Sierra Vista Co: Cochise AZ 85635–
Landholding Agency: Army
Property Number: 219430249
Status: Unutilized
Comment: 2193 sq. ft., 2-story, wood frame, most recent use—admin., needs repair, off-site use only

Bldg. 80111
Fort Huachuca
Sierra Vista Co: Cochise AZ 85635–
Landholding Agency: Army
Property Number: 219430250
Status: Unutilized
Comment: 2032 sq. ft., 1-story, wood frame, most recent use—instructional bldg., needs repair, off-site use only

Bldg. 503, Yuma Proving Ground
Yuma Co: Yuma AZ 85365–9104
Landholding Agency: Army
Property Number: 219520073
Status: Underutilized
Comment: 3789 sq. ft., 2-story, major structural changes required to meet floor loading & fire code requirements, presence of asbestos.

9 Bldgs.
Fort Huachuca
Sierra Vista Co: Cochise AZ 85635–
Location: 82002, 82027, 82028, 83021, 82022, 85008, 85009, 85027, 85028
Landholding Agency: Army
Property Number: 219610639
Status: Unutilized
Comment: various sq. ft.; presence of asbestos, most recent use—barracks, off-site use only

Bldg. 85005
Fort Huachuca
Sierra Vista Co: Cochise AZ 85635–
Landholding Agency: Army
Property Number: 219610640
Status: Unutilized
Comment: 3515 sq. ft.; presence of asbestos, most recent use—dining off-site use only

Bldgs. 13548, 72918
Fort Huachuca
Sierra Vista Co: Cochise AZ 85635–
Landholding Agency: Army
Property Number: 219620663
Status: Unutilized
Comment: #13548=2048 sq. ft., most recent use—maint. shop, #72918=2822 sq. ft., most recent use—storage, possible asbestos/lead base paint, off-site use only

Bldg. 41410
Fort Huachuca
Sierra Vista Co: Cochise AZ 85635–
Landholding Agency: Army
Property Number: 219640508
Status: Unutilized
Comment: 582 sq. ft.; presence of lead base paint, most recent use—admin., off-site use only

Bldg. 71916

Fort Huachuca
Sierra Vista Co: Cochise AZ 85635–
Landholding Agency: Army
Property Number: 219640509
Status: Unutilized
Comment: 1225 sq. ft.; presence of asbestos/lead base paint, most recent use—storage, off-site use only

11 Bldgs., Fort Huachuca
#31209, 31210, 31211, 81104, 82001, 82010, 84025, 84026, 84027, 84028, 84105
Sierra Vista Co: Cochise AZ 85635–
Landholding Agency: Army
Property Number: 219640510
Status: Unutilized
Comment: various sq. ft.; presence of asbestos/lead base paint, off-site use only

5 Bldgs.
Fort Huachuca
73910, 76912, 82014, 82017, 84005
Sierra Vista Co: Cochise AZ 85635–
Landholding Agency: Army
Property Number: 219740281
Status: Excess
Comment: various sq. ft.; presence of asbestos/lead base paint, most recent use—motor pool/admin., off-site use only

Colorado

Bldg. T–222
Fort Carson
Ft. Carson Co: El Paso CO 80913–5023
Landholding Agency: Army
Property Number: 219630126
Status: Unutilized
Comment: 2750 sq. ft., poor condition, possible asbestos/lead based paint, most recent use—storage, off-set use only

Bldg. P–1008
Fort Carson
Ft. Carson Co: El Paso CO 80913–5023
Landholding Agency: Army
Property Number: 219630127
Status: Unutilized
Comment: 3362 sq. ft., fair condition, possible asbestos/lead based paint, most recent use—service outlet, off-site use only

Bldg. T–1827
Fort Carson
Ft. Carson Co: El Paso CO 80913–5023
Landholding Agency: Army
Property Number: 219630132
Status: Unutilized
Comment: 2488 sq. ft., poor condition, possible asbestos, most recent use—service outlet, off-site use only

Bldg. T–2438
Fort Carson
Ft. Carson Co: El Paso CO 80913–5023
Landholding Agency: Army
Property Number: 219630133
Status: Unutilized
Comment: 4020 sq. ft., fair condition, most recent use—instruction bldg., off-site use only

Bldg. T–6043
Fort Carson
Ft. Carson Co: El Paso CO 80913–5023
Landholding Agency: Army
Property Number: 219630136
Status: Unutilized
Comment: 10225 sq. ft., poor condition, possible asbestos, most recent use—storage, off-site use only

Bldg. T–6052
Fort Carson
Ft. Carson Co: El Paso CO 80913–5023
Landholding Agency: Army
Property Number: 219630137
Status: Unutilized
Comment: 4458 sq. ft., poor condition, possible asbestos, most recent use—maintenance shop, off-site use only

Bldg. T–6089
Fort Carson
Ft. Carson Co: El Paso CO 80913–5023
Landholding Agency: Army
Property Number: 219630139
Status: Unutilized
Comment: 3150 sq. ft., poor condition, possible asbestos, most recent use—service outlet, off-site use only

Bldg. S–6226
Fort Carson
Ft. Carson Co: El Paso CO 80913–5023
Landholding Agency: Army
Property Number: 219630141
Status: Unutilized
Comment: 13154 sq. ft., fair condition, possible asbestos/lead based paint, most recent use—admin.; off-site use only

Bldg. S–6230
Fort Carson
Ft. Carson Co: El Paso CO 80913–5023
Landholding Agency: Army
Property Number: 219630143
Status: Unutilized
Comment: 13154 sq. ft., fair condition, possible asbestos/lead based paint, most recent use—admin.; off-site use only

Bldg. S–6235
Fort Carson
Ft. Carson Co: El Paso CO 80913–5023
Landholding Agency: Army
Property Number: 219630144
Status: Unutilized
Comment: 10038 sq. ft., poor condition, possible asbestos/lead based paint, most recent use—admin., off-site use only

Bldg. S–6240
Fort Carson
Ft. Carson Co.: El Paso, CO 80913–5023
Landholding Agency: Army
Property Number: 219630145
Status: Unutilized
Comment: 9985 sq. ft., poor condition, possible asbestos/lead based paint, most recent use—admin., off-site use only

Bldg. S–6241
Fort Carson
Ft. Carson Co: El Paso CO 80913–5023
Landholding Agency: Army
Property Number: 219630146
Status: Unutilized
Comment: 10038 sq. ft., poor condition, possible asbestos/lead based paint, off-site use only

Bldgs. 6244, 6247
Fort Carson
Ft. Carson Co: El Paso CO 80913–5023
Landholding Agency: Army
Property Number: 219630148
Status: Unutilized
Comment: fair condition, possible asbestos/lead based paint, most recent use—admin., off-site use only

Bldgs. S–6245, S–6246
Fort Carson
Ft. Carson Co: El Paso CO 80913–5023
Landholding Agency: Army
Property Number: 219630149
Status: Unutilized
Comment: fair condition, possible asbestos/lead based paint, most recent use—barracks, off-site use only

Bldg. S–6260
Fort Carson
Ft. Carson Co: El Paso CO 80913–5023
Landholding Agency: Army
Property Number: 219630152
Status: Unutilized
Comment: 2953 sq. ft., fair condition, possible asbestos/lead based paint, most recent use—comm. bldg., off-site use only

Bldg. S–6261
Fort Carson
Ft. Carson Co: El Paso CO 80913–5023
Landholding Agency: Army
Property Number: 219630153
Status: Unutilized
Comment: 7778 sq. ft., fair condition, possible asbestos/lead based paint, most recent use—storage, off-site use only

Bldg. T–847
Fort Carson
Ft. Carson Co: El Paso CO 80913–
Landholding Agency: Army
Property Number: 219730209
Status: Unutilized
Comment: 10286 sq. ft., 2-story, possible asbestos/lead paint, most recent use—admin., off-site use only

Bldg. P–1007
Fort Carson
Ft. Carson Co: El Paso CO 80913–
Landholding Agency: Army
Property Number: 219730210
Status: Unutilized
Comment: 3818 sq. ft., needs repair, possible asbestos/lead paint, most recent use—health clinic, off-site use only

Bldg. T–1342
Fort Carson
Ft. Carson Co: El Paso CO 80913–
Landholding Agency: Army
Property Number: 219730211
Status: Unutilized
Comment: 13364 sq. ft., possible asbestos/lead paint, most recent use—instruction bldg.

Bldg. T–1641
Fort Carson
Ft. Carson Co: El Paso CO 80913–
Landholding Agency: Army
Property Number: 219730212
Status: Unutilized
Comment: 3663 sq. ft., possible asbestos/lead paint, most recent use—admin., off-site use only

Bldg. T–6005
Fort Carson
Ft. Carson Co: El Paso CO 80913–
Landholding Agency: Army
Property Number: 219730213
Status: Unutilized
Comment: 19,015 sq. ft., possible asbestos/lead paint, most recent use—warehouse

Bldg. T–6028
Fort Carson
Ft. Carson Co: El Paso CO 80913–
Landholding Agency: Army
Property Number: 219730214
Status: Unutilized

Comment: 10,193 sq. ft., possible asbestos/lead paint, most recent use—warehouse, off-site use only

Bldg. T–6049
Fort Carson
Ft. Carson Co: El Paso CO 80913–
Landholding Agency: Army
Property Number: 219730215
Status: Unutilized
Comment: 19,344 sq. ft., possible asbestos/lead paint, most recent use—youth center

Bldg. P–6225A
Fort Carson
Ft. Carson Co: El Paso CO 80913–
Landholding Agency: Army
Property Number: 219730216
Status: Unutilized
Comment: 1040 sq. ft., possible asbestos/lead paint, most recent use—garage, off-site use only

Bldg. S–6274
Fort Carson
Ft. Carson Co: El Paso CO 80913–
Landholding Agency: Army
Property Number: 219730217
Status: Unutilized
Comment: 4751 sq. ft., possible asbestos/lead paint, most recent use—warehouse, off-site use only

Georgia

Bldg. 5390
Fort Benning Co: Muscogee GA 31905–
Landholding Agency: Army
Property Number: 219010137
Status: Unutilized
Comment: 2432 sq. ft.; most recent use—dining room; needs rehab.

Bldg. 5362
Fort Benning Co: Muscogee GA 31905–
Landholding Agency: Army
Property Number: 219010147
Status: Unutilized
Comment: 5559 sq. ft.; most recent use—service club; needs rehab.

Bldg. 5392
Fort Benning Co: Muscogee GA 31905–
Landholding Agency: Army
Property Number: 219010151
Status: Unutilized
Comment: 2432 sq. ft.; most recent use—dining room; needs rehab.

Bldg. 5391
Fort Benning Co: Muscogee GA 31905–
Landholding Agency: Army
Property Number: 219010152
Status: Unutilized
Comment: 2432 sq. ft.; most recent use—dining room; needs rehab.

Bldg. 4487
Fort Benning
Fort Benning Co: Muscogee GA 31905–
Landholding Agency: Army
Property Number: 219011681
Status: Unutilized
Comment: 1868 sq. ft.; most recent use—telephone exchange bldg.; needs substantial rehabilitation; 1 floor.

Bldg. 4319
Fort Benning
Fort Benning Co: Muscogee GA 31905–
Landholding Agency: Army
Property Number: 219011683
Status: Unutilized
Comment: 2584 sq. ft.; most recent use—vehicle maintenance shop; needs substantial rehabilitation; 1 floor

Bldg. 3400
Fort Benning
Fort Benning Co: Muscogee GA 31905–
Landholding Agency: Army
Property Number: 219011694
Status: Unutilized
Comment: 2570 sq. ft.; most recent use—fire station; needs substantial rehabilitation; 1 floor

Bldg. 2285
Fort Benning
Fort Benning Co: Muscogee GA 31905–
Landholding Agency: Army
Property Number: 219011704
Status: Unutilized
Comment: 4574 sq. ft.; most recent use—clinic; needs substantial rehabilitation; 1 floor

Bldg. 4092
Fort Benning
Fort Benning Co: Muscogee GA 31905–
Landholding Agency: Army
Property Number: 219011709
Status: Unutilized
Comment: 336 sq. ft.; most recent use—inflammable materials storage; needs substantial rehabilitation; 1 floor

Bldg. 4089
Fort Benning
Fort Benning Co: Muscogee GA 31905–
Landholding Agency: Army
Property Number: 219011710
Status: Unutilized
Comment: 176 sq. ft.; most recent use—gas station; needs substantial rehabilitation; 1 floor

Bldg. 1235
Fort Benning
Fort Benning Co: Muscogee GA 31905–
Landholding Agency: Army
Property Number: 219014887
Status: Unutilized
Comment: 9367 sq. ft.; 1 story building; needs rehab; most recent use—General Storehouse

Bldg. 1236
Fort Benning Co: Muscogee GA 31905–
Landholding Agency: Army
Property Number: 219014888
Status: Unutilized
Comment: 9367 sq. ft.; 1 story building; needs rehab; most recent use—General Storehouse

Bldg. 4491
Fort Benning Co: Muscogee GA 31905–
Landholding Agency: Army
Property Number: 219014916
Status: Unutilized
Comment: 18240 sq. ft.; 1 story building; needs rehab; most recent use—Vehicle maintenance shop

Bldg. 2150
Fort Benning
Fort Benning Co: Muscogee GA 31905–
Landholding Agency: Army
Property Number: 219120258
Status: Unutilized
Comment: 3909 sq. ft.; 1 story, needs rehab; most recent use—general inst. bldg

Bldg. 3828
Fort Benning
Fort Benning Co: Muscogee GA 31905–
Landholding Agency: Army
Property Number: 219120266
Status: Unutilized
Comment: 628 sq. ft.; 1 story, needs rehab; most recent use—General storehouse

Bldg. 3086, Fort Benning
Ft. Benning Co: Muscogee GA 31905–
Landholding Agency: Army
Property Number: 219220688
Status: Unutilized
Comment: 4720 sq. ft., 2 story, most recent use—barracks, needs major rehab, off-site removal only

Bldg. 3089, Fort Benning
Ft. Benning Co: Muscogee GA 31905–
Landholding Agency: Army
Property Number: 219220689
Status: Unutilized
Comment: 4720 sq. ft., 2 story, most recent use—barracks, needs major rehab, off-site removal only

Bldg. 1252, Fort Benning
Ft. Benning Co: Muscogee GA 31905–
Landholding Agency: Army
Property Number: 219220694
Status: Unutilized
Comment: 583 sq. ft., 1 story, most recent use—storehouse, needs major rehab, off-site removal only

Bldg. 1733, Fort Benning
Ft. Benning Co: Muscogee GA 31905–
Landholding Agency: Army
Property Number: 219220698
Status: Unutilized
Comment: 9375 sq. ft., 1 story, most recent use—storehouse, needs major rehab, off-site removal only

Bldg. 3083, Fort Benning
Ft. Benning Co: Muscogee GA 31905–
Landholding Agency: Army
Property Number: 219220699
Status: Unutilized
Comment: 1372 sq. ft., 1 story, most recent use—storehouse, needs major rehab, off-site removal only

Bldg. 3856, Fort Benning
Ft. Benning Co: Muscogee GA 31905–
Landholding Agency: Army
Property Number: 219220703
Status: Unutilized
Comment: 4111 sq. ft., 1 story, most recent use—storehouse, needs major rehab, off-site removal only

Bldg. 4881, Fort Benning
Ft. Benning Co: Muscogee GA 31905–
Landholding Agency: Army
Property Number: 219220707
Status: Unutilized
Comment: 2449 sq. ft., 1 story, most recent use—storehouse, need repairs, off-site removal only

Bldg. 4963, Fort Benning
Ft. Benning Co: Muscogee GA 31905–
Landholding Agency: Army
Property Number: 219220710
Status: Unutilized
Comment: 6077 sq. ft., 1 story, most recent use—storehouse, need repairs, off-site removal only

Bldg. 2396, Fort Benning
Ft. Benning Co: Muscogee GA 31905–
Landholding Agency: Army
Property Number: 219220712

Status: Unutilized
Comment: 9786 sq. ft., 1 story, most recent use—dining facility, needs major rehab, off-site removal only

Bldg. 3085, Fort Benning
Ft. Benning Co: Muscogee GA 31905–
Landholding Agency: Army
Property Number: 219220715
Status: Unutilized
Comment: 2253 sq. ft., 1 story, most recent use—dining facility, needs major rehab, off-site removal only

Bldg. 4882, Fort Benning
Ft. Benning Co: Muscogee GA 31905–
Landholding Agency: Army
Property Number: 219220727
Status: Unutilized
Comment: 6077 sq. ft., 1 story, most recent use—storage, need repairs, off-site removal only

Bldg. 4967, Fort Benning
Ft. Benning Co: Muscogee GA 31905–
Landholding Agency: Army
Property Number: 219220728
Status: Unutilized
Comment: 6077 sq. ft., 1 story, most recent use—storage, need repairs, off-site removal only

Bldg. 5396, Fort Benning
Ft. Benning Co: Muscogee GA 31905–
Landholding Agency: Army
Property Number: 219220734
Status: Unutilized
Comment: 10944 sq. ft., 1 story, most recent use—general instruction bldg., needs major rehab, off-site removal only

Bldg. 247, Fort Benning
Ft. Benning Co: Muscogee GA 31905–
Landholding Agency: Army
Property Number: 219220735
Status: Unutilized
Comment: 1144 sq. ft., 1 story, most recent use—offices, needs major rehab, off-site removal only

Bldg. 4977, Fort Benning
Ft. Benning Co: Muscogee GA 31905–
Landholding Agency: Army
Property Number: 219220736
Status: Unutilized
Comment: 192 sq. ft., 1 story, most recent use—offices, need repairs, off-site removal only

Bldg. 4944, Fort Benning
Ft. Benning Co: Muscogee GA 31905–
Landholding Agency: Army
Property Number: 219220747
Status: Unutilized
Comment: 6400 sq. ft., 1 story, most recent use—vehicle maintenance shop, need repairs, off-site removal only

Bldg. 4960, Fort Benning
Ft. Benning Co: Muscogee GA 31905–
Landholding Agency: Army
Property Number: 219220752
Status: Unutilized
Comment: 3335 sq. ft., 1 story, most recent use—vehicle maintenance shop, off-site removal only

Bldg. 4969, Fort Benning
Ft. Benning Co: Muscogee GA 31905–
Landholding Agency: Army
Property Number: 219220753
Status: Unutilized
Comment: 8416 sq. ft., 1 story, most recent use—vehicle maintenance shop, off-site removal only

Bldg. 1758, Fort Benning
Ft. Benning Co: Muscogee GA 31905–
Landholding Agency: Army
Property Number: 219220755
Status: Unutilized
Comment: 7817 sq. ft., 1 story, most recent use—warehouse, needs major rehab, off-site removal only

Bldg. 3817, Fort Benning
Ft. Benning Co: Muscogee GA 31905–
Landholding Agency: Army
Property Number: 219220758
Status: Unutilized
Comment: 4000 sq. ft., 1 story, most recent use—warehouse, needs major rehab, off-site removal only

Bldg. 4884, Fort Benning
Ft. Benning Co: Muscogee GA 31905–
Landholding Agency: Army
Property Number: 219220762
Status: Unutilized
Comment: 2000 sq. ft., 1 story, most recent use—headquarters bldg., need repairs, off-site removal only

Bldg. 4964, Fort Benning
Ft. Benning Co: Muscogee GA 31905–
Landholding Agency: Army
Property Number: 219220763
Status: Unutilized
Comment: 2000 sq. ft., 1 story, most recent use—headquarters bldg., need repairs, off-site removal only

Bldg. 4966, Fort Benning
Ft. Benning Co: Muscogee GA 31905–
Landholding Agency: Army
Property Number: 219220764
Status: Unutilized
Comment: 2000 sq. ft., 1 story, most recent use—headquarters bldg., need repairs, off-site removal only

Bldg. 4679, Fort Benning
Ft. Benning Co: Muscogee GA 31905–
Landholding Agency: Army
Property Number: 219220767
Status: Unutilized
Comment: 8657 sq. ft., 1 story, most recent use—supply bldg., needs major rehab, off-site removal only

Bldg. 4883, Fort Benning
Ft. Benning Co: Muscogee GA 31905–
Landholding Agency: Army
Property Number: 219220768
Status: Unutilized
Comment: 2600 sq. ft., 1 story, most recent use—supply bldg., need repairs, off-site removal only

Bldg. 4965, Fort Benning
Ft. Benning Co: Muscogee GA 31905–
Landholding Agency: Army
Property Number: 219220769
Status: Unutilized
Comment: 7713 sq. ft., 1 story, most recent use—supply bldg., need repairs, off-site removal only

Bldg. 2513, Fort Benning
Ft. Benning Co: Muscogee GA 31905–
Landholding Agency: Army
Property Number: 219220770
Status: Unutilized
Comment: 9483 sq. ft., 1 story, most recent use—training center, needs major rehab, off-site removal only

Bldg. 2589, Fort Benning
Ft. Benning Co: Muscogee GA 31905–
Landholding Agency: Army
Property Number: 219220772
Status: Unutilized
Comment: 146 sq. ft., 1 story, most recent use—training bldg., needs major rehab, off-site removal only

Bldg. 4945, Fort Benning
Ft. Benning Co: Muscogee GA 31905–
Landholding Agency: Army
Property Number: 219220779
Status: Unutilized
Comment: 220 sq. ft., 1 story, most recent use—gas station, needs major rehab, off-site removal only

Bldg. 4979, Fort Benning
Ft. Benning Co: Muscogee GA 31905–
Landholding Agency: Army
Property Number: 219220780
Status: Unutilized
Comment: 400 sq. ft., 1 story, most recent use—oil house, need repairs, off-site removal only

Bldg. 4004, Fort Benning
Ft. Benning Co: Muscogee GA 31905–
Landholding Agency: Army
Property Number: 219310418
Status: Unutilized
Comment: 4720 sq. ft., 2-story, needs rehab, most recent use—barracks, off-site use only

Bldg. 1835, Fort Benning
Ft. Benning Co: Muscogee GA 31905–
Landholding Agency: Army
Property Number: 219310443
Status: Unutilized
Comment: 1712 sq. ft., 1-story, needs rehab, most recent use—day room, off-site use only

Bldg. 3072, Fort Benning
Ft. Benning Co: Muscogee GA 31905–
Landholding Agency: Army
Property Number: 219310447
Status: Unutilized
Comment: 479 sq. ft., 1-story, needs rehab, most recent use—hdqtrs. bldg., off-site use only

Bldg. 4019, Fort Benning
Ft. Benning Co: Muscogee GA 31905–
Landholding Agency: Army
Property Number: 219310451
Status: Unutilized
Comment: 3270 sq. ft., 2-story, needs rehab, most recent use—hdqtrs bldg., off-site use only

Bldg. 4023, Fort Benning
Ft. Benning Co: Muscogee GA 31905–
Landholding Agency: Army
Property Number: 219310461
Status: Unutilized
Comment: 2269 sq. ft., 1-story, needs rehab, most recent use—maintenance shop, off-site use only

Bldg. 4024, Fort Benning
Ft. Benning Co: Muscogee GA 31905–
Landholding Agency: Army
Property Number: 219310462
Status: Unutilized
Comment: 3281 sq. ft., 1-story, needs rehab, most recent use—maintenance shop, off-site use only

Bldg. 4067, Fort Benning
Ft. Benning Co: Muscogee GA 31905–
Landholding Agency: Army

Property Number: 219310465
Status: Unutilized
Comment: 4406 sq. ft., 1-story, needs rehab, most recent use—admin., off-site use only

Bldg. 10847, Fort Benning
Ft. Benning Co: Muscogee GA 31905–
Landholding Agency: Army
Property Number: 219310476
Status: Unutilized
Comment: 1056 sq. ft., 1-story, needs rehab, most recent use—scout bldg., off-site use only

Bldg. 10768, Fort Benning
Ft. Benning Co: Muscogee GA 31905–
Landholding Agency: Army
Property Number: 219310477
Status: Unutilized
Comment: 1230 sq. ft., 1-story, needs rehab, most recent use—scout bldg., off-site use only

Bldg. 2683, Fort Benning
Ft. Benning Co: Muscogee GA 31905–
Landholding Agency: Army
Property Number: 219310478
Status: Unutilized
Comment: 1816 sq. ft., 1-story, needs rehab, most recent use—scout bldg., off-site use only

Bldg. 354, Fort Gordon
Ft. Gordon Co: Richmond GA 30905–
Landholding Agency: Army
Property Number: 219330259
Status: Unutilized
Comment: 4237 sq. ft., 1-story wood, possible termite damage, needs repair, presence of asbestos, most recent use—offices, off-site use only

Bldg. 355, Fort Gordon
Ft. Gordon Co: Richmond GA 30905–
Landholding Agency: Army
Property Number: 219330260
Status: Unutilized
Comment: 4237 sq. ft., 1-story wood, needs repair, presence of asbestos, most recent use—offices, off-site use only

Bldg. 356, Fort Gordon
Ft. Gordon Co: Richmond GA 30905–
Landholding Agency: Army
Property Number: 219330261
Status: Unutilized
Comment: 4237 sq. ft., 1-story wood, possible termite damage, needs repair, most recent use—offices, off-site use only

Bldg. 19601, Fort Gordon
Ft. Gordon Co: Richmond GA 30905–
Landholding Agency: Army
Property Number: 219330268
Status: Unutilized
Comment: 2132 sq. ft., 1-story wood, possible termite damage, presence of asbestos, most recent use—offices, off-site use only

Bldg. 19602, Fort Gordon
Ft. Gordon Co: Richmond GA 30905–
Landholding Agency: Army
Property Number: 219330269
Status: Unutilized
Comment: 1555 sq. ft., 1-story wood, presence of asbestos, most recent use—offices, off-site use only

Bldg. 332, Fort Gordon
Ft. Gordon Co: Richmond GA 30905–
Landholding Agency: Army
Property Number: 219330289
Status: Unutilized
Comment: 5340 sq. ft., 1-story wood, needs repair, presence of asbestos, most recent use—laboratory, off-site use only

Bldg. 333, Fort Gordon
Ft. Gordon Co: Richmond GA 30905–
Landholding Agency: Army
Property Number: 219330290
Status: Unutilized
Comment: 5340 sq. ft., 1-story wood, possible termite damage, needs repair, presence of asbestos, most recent use—laboratory, off-site use only

Bldg. 352, Fort Gordon
Ft. Gordon Co: Richmond GA 30905–
Landholding Agency: Army
Property Number: 219330294
Status: Unutilized
Comment: 560 sq. ft., 1-story metal, presence of asbestos, most recent use—equip. storage, off-site use only

Bldg. 10501
Fort Gordon
Ft. Gordon Co: Richmond GA 30905–
Landholding Agency: Army
Property Number: 219410264
Status: Unutilized
Comment: 2516 sq. ft.; 1 story; wood; needs rehab.; most recent use—office; off-site use only

Bldg. 11813
Fort Gordon
Ft. Gordon Co: Richmond GA 30905–
Landholding Agency: Army
Property Number: 219410269
Status: Unutilized
Comment: 70 sq. ft.; 1 story; metal; needs rehab.; most recent use—storage; off-site use only

Bldg. 21314
Fort Gordon
Fort Gordon Co: Richmond GA 30905–
Landholding Agency: Army
Property Number: 219410270
Status: Unutilized
Comment: 85 sq. ft.; 1 story; needs rehab.; most recent use—storage; off-site use only

Bldg. 951
Fort Gordon
Fort Gordon Co: Richmond GA 30905–
Landholding Agency: Army
Property Number: 219410271
Status: Unutilized
Comment: 17,825 sq. ft.; 1 story; wood; needs rehab.; most recent use—workshop; off-site use only

Bldg. 12809
Fort Gordon
Fort Gordon Co: Richmond GA 30905–
Landholding Agency: Army
Property Number: 219410272
Status: Unutilized
Comment: 2788 sq. ft.; 1 story; wood; needs rehab.; most recent use—maintenance shop; off-site use only

Bldg. 10306
Fort Gordon
Fort Gordon Co: Richmond GA 30905–
Landholding Agency: Army
Property Number: 219410273
Status: Unutilized
Comment: 195 sq. ft.; 1 story; wood; most recent use—oil storage shed; off-site use only

Bldg. 2813, Ft. Benning
Ft. Benning Co: Muscogee GA 31905–
Landholding Agency: Army
Property Number: 219520074
Status: Unutilized
Comment: 40,536 sq. ft., 4-story, most recent use—admin., needs major repair, off-site use only

Bldg. T–901
Hunter Army Airfield
Savannah Co: Chatham GA 31409–
Landholding Agency: Army
Property Number: 219520077
Status: Unutilized
Comment: 1,828 sq. ft., 1-story, needs major repair, most recent use—admin., off-site use only

Bldg. 2814, Fort Benning
Ft. Benning Co: Muscogee GA 31905–
Landholding Agency: Army
Property Number: 219520133
Status: Unutilized
Comment: 40,536 sq. ft., 4-story, most recent use—barracks w/dining, needs major repair, off-site use only

Bldg. 1755, Fort Benning
Ft. Benning Co: Muscogee GA 31905–
Landholding Agency: Army
Property Number: 219520170
Status: Unutilized
Comment: 3,142 sq. ft., needs rehab, most recent use—maint. shop, off-site use only

Bldg. 4051, Fort Benning
Ft. Benning Co: Muscogee GA 31905–
Landholding Agency: Army
Property Number: 219520175
Status: Unutilized
Comment: 967 sq. ft., 1-story, needs rehab, most recent use—storage, off-site use only

Bldg. A1618, Fort Gordon
Ft. Gordon Co: Richmond GA 30905–
Landholding Agency: Army
Property Number: 219520184
Status: Unutilized
Comment: 2,800 sq. ft., 1-story, needs rehab, most recent use—storage, presence of asbestos & lead base paint, off-site use only

Bldg. 2141
Fort Gordon
Ft. Gordon Co: Richmond GA 30905–
Landholding Agency: Army
Property Number: 219610655
Status: Unutilized
Comment: 2283 sq. ft., needs repair, most recent use—office, off-site use only

Bldg. 34300
Fort Gordon
Ft. Gordon Co: Richmond GA 30905–
Landholding Agency: Army
Property Number: 219620664
Status: Unutilized
Comment: 2525 sq. ft., most recent use—auto svc store, possible asbestos, off-site use only

Bldg. S–7332
Fort Stewart
Hinesville Co: Liberty GA 31314–
Landholding Agency: Army
Property Number: 219630160
Status: Unutilized
Comment: 1140 sq. ft., fair condition, most recent use—admin., off-site use only

Bldg. T–293
Fort Stewart
Hinesville Co: Liberty GA 31314–

Landholding Agency: Army
Property Number: 219710230
Status: Excess
Comment: 5220 sq. ft., most recent use—admin., needs major repairs, off-site use only

Bldg. T–963
Fort Stewart
Hinesville Co: Liberty GA 31314–
Landholding Agency: Army
Property Number: 219710232
Status: Excess
Comment: 3108 sq. ft., most recent use—veh. maint. shop, needs major repairs, off-site use only

Bldg. 107
Fort Benning
Ft. Benning Co: Muscogee GA 31905–
Landholding Agency: Army
Property Number: 219720154
Status: Unutilized
Comment: 12823 sq. ft., needs rehab, most recent use—warehouse, off-site use only

Bldg. 239
Fort Benning
Ft. Benning Co: Muscogee GA 31905–
Landholding Agency: Army
Property Number: 219720155
Status: Unutilized
Comment: 2817 sq. ft., needs rehab, most recent use—exchange service outlet, off-site use only

Bldg. 322
Fort Benning
Ft. Benning Co: Muscogee GA 31905–
Landholding Agency: Army
Property Number: 219720156
Status: Unutilized
Comment: 9600 sq. ft., needs rehab, most recent use—admin., off-site use only

Bldg. 327
Fort Benning
Ft. Benning Co: Muscogee GA 31905–
Landholding Agency: Army
Property Number: 219720157
Status: Unutilized
Comment: 996 sq. ft., needs rehab, most recent use—storage, off-site use only

Bldg. 329
Fort Benning
Ft. Benning Co: Muscogee GA 31905–
Landholding Agency: Army
Property Number: 219720158
Status: Unutilized
Comment: 1001 sq. ft., needs rehab, most recent use—access cnt fac, off-site use only

Bldg. 1727
Fort Benning
Ft. Benning Co: Muscogee GA 31905–
Landholding Agency: Army
Property Number: 219720159
Status: Unutilized
Comment: 704 sq. ft., needs rehab, most recent use—storage, off-site use only

Bldg. 1728
Fort Benning
Ft. Benning Co: Muscogee GA 31905–
Landholding Agency: Army
Property Number: 219720160
Status: Unutilized
Comment: 7693 sq. ft., needs rehab, most recent use—storage, off-site use only

Bldg. 1737
Fort Benning
Ft. Benning Co: Muscogee GA 31905–
Landholding Agency: Army
Property Number: 219720161
Status: Unutilized
Comment: 1500 sq. ft., needs rehab, most recent use—storage, off-site use only

Bldg. 2512
Fort Benning
Ft. Benning Co: Muscogee GA 31905–
Landholding Agency: Army
Property Number: 219720162
Status: Unutilized
Comment: 4378 sq. ft., needs rehab, most recent use—admin., off-site use only

Bldg. 2515
Fort Benning
Ft. Benning Co: Muscogee GA 31905–
Landholding Agency: Army
Property Number: 219720163
Status: Unutilized
Comment: 4720 sq. ft., needs rehab, most recent use—admin., off-site use only

Bldg. 2517–2518, 2521–2525
Fort Benning
Ft. Benning Co: Muscogee GA 31905–
Landholding Agency: Army
Property Number: 219720164
Status: Unutilized
Comment: 4720 sq. ft. each, needs rehab, most recent use—education facility, off-site use only

Bldg. 2527–2531
Fort Benning
Ft. Benning Co: Muscogee GA 31905–
Landholding Agency: Army
Property Number: 219720165
Status: Unutilized
Comment: 4720 sq. ft. each, needs rehab, most recent use—admin., off-site use only

Bldg. 2592
Fort Benning
Ft. Benning Co: Muscogee GA 31905–
Landholding Agency: Army
Property Number: 219720166
Status: Unutilized
Comment: 11674 sq. ft., needs rehab, most recent use—gym, off-site use only

Bldg. 2593
Fort Benning
Ft. Benning Co: Muscogee GA 31905–
Landholding Agency: Army
Property Number: 219720167
Status: Unutilized
Comment: 13644 sq. ft., needs rehab, most recent use—parachute shop, off-site use only

Bldg. 2595
Fort Benning
Ft. Benning Co: Muscogee GA 31905–
Landholding Agency: Army
Property Number: 219720168
Status: Unutilized
Comment: 3356 sq. ft., needs rehab, most recent use—chapel, off-site use only

Bldgs. 2865, 2869, 2872
Fort Benning
Ft. Benning Co: Muscogee GA 31905–
Landholding Agency: Army
Property Number: 219720169
Status: Unutilized
Comment: approx. 1100 sq. ft. each, needs rehab, most recent use—shower fac., off-site use only

Bldgs. 4400–4402
Fort Benning
Ft. Benning Co: Muscogee GA 31905–
Landholding Agency: Army
Property Number: 219720170
Status: Unutilized
Comment: various sq. ft., needs rehab, most recent use—admin., off-site use only

Bldg. 4404
Fort Benning
Ft. Benning Co: Muscogee GA 31905–
Landholding Agency: Army
Property Number: 219720171
Status: Unutilized
Comment: 2723 sq. ft., needs rehab, most recent use—detached day room, off-site use only

Bldg. 4405
Fort Benning
Ft. Benning Co: Muscogee GA 31905–
Landholding Agency: Army
Property Number: 219720172
Status: Unutilized
Comment: 7670 sq. ft., needs rehab, most recent use—barracks, off-site use only

Bldg. 4406
Fort Benning
Ft. Benning Co: Muscogee GA 31905–
Landholding Agency: Army
Property Number: 219720173
Status: Unutilized
Comment: 1372 sq. ft., needs rehab, most recent use—storage, off-site use only

Bldg. 4407
Fort Benning
Ft. Benning Co: Muscogee GA 31905–
Landholding Agency: Army
Property Number: 219720174
Status: Unutilized
Comment: 1635 sq. ft., needs rehab, most recent use—admin., off-site use only

11 Bldgs.
Fort Benning
4428–4429, 4433–4436, 4441–4443, 4447–4448
Ft. Benning Co: Muscogee GA 31905–
Landholding Agency: Army
Property Number: 219720175
Status: Unutilized
Comment: 4425 sq. ft. each, needs rehab, most recent use—barracks, off-site use only

6 Bldgs.
Fort Benning
4450–4451, 4453–4454, 4456–4457
Ft. Benning Co: Muscogee GA 31905–
Landholding Agency: Army
Property Number: 219720176
Status: Unutilized
Comment: 4425 sq. ft. each, needs rehab, most recent use—barracks, off-site use only

10 Bldgs
Fort Benning
4460–4461, 4463–4464, 4468, 4470–4474
Ft. Benning Co: Muscogee GA 31905–
Landholding Agency: Army
Property Number: 219720177
Status: Unutilized
Comment: 4425 sq. ft. each, needs rehab, most recent use—barracks, off-site use only

Bldgs. 4432, 4440, 4445
Fort Benning
Ft. Benning Co: Muscogee GA 31905–
Landholding Agency: Army
Property Number: 219720179
Status: Unutilized

Comment: Various sq. ft., needs rehab, most recent use—storage, off-site use only

8 Bldgs.
Fort Benning
4425, 4431, 4438–4439, 4452, 4458–4459, 4465
Ft. Benning Co: Muscogee GA 31905–
Landholding Agency: Army
Property Number: 219720180
Status: Unutilized
Comment: 2498 sq. ft. each, needs rehab, most recent use—dining facility, off-site use only

6 Bldgs.
Fort Benning
4430, 4437, 4449, 4455, 4462, 4467
Ft. Benning Co: Muscogee GA 31905–
Landholding Agency: Army
Property Number: 219720181
Status: Unutilized
Comment: 1884 sq. ft. each, needs rehab, most recent use—admin., off-site use only

Bldgs. 4444
Fort Benning
Ft. Benning Co: Muscogee GA 31905–
Landholding Agency: Army
Property Number: 219720182
Status: Unutilized
Comment: 2284 sq. ft., needs rehab, most recent use—medical clinic, off-site use only

Bldgs. 4475
Fort Benning
Ft. Benning Co: Muscogee GA 31905–
Landholding Agency: Army
Property Number: 219720183
Status: Unutilized
Comment: 2213 sq. ft., needs rehab, most recent use—headquarters bldg., off-site use only

Bldg. 4476
Fort Benning
Ft. Benning Co: Muscogee GA 31905–
Landholding Agency: Army
Property Number: 219720184
Status: Unutilized
Comment: 3148 sq. ft., needs rehab, most recent use—vehicle maint. shop, off-site use only

Bldgs. 4478, 4485
Fort Benning
Ft. Benning Co: Muscogee GA 31905–
Landholding Agency: Army
Property Number: 219720185
Status: Unutilized
Comment: 3000 sq. ft. and 4366 sq. ft., needs rehab, most recent use—instruction bldg., off-site use only

Bldg. 4480
Fort Benning
Ft. Benning Co: Muscogee GA 31905–
Landholding Agency: Army
Property Number: 219720186
Status: Unutilized
Comment: 3000 sq. ft., needs rehab, most recent use—mobilization dining facility, off-site use only

Bldg. 4482
Fort Benning
Ft. Benning Co: Muscogee GA 31905–
Landholding Agency: Army
Property Number: 219720187
Status: Unutilized
Comment: 3000 sq. ft., needs rehab, most recent use—carpentry shop, off-site use only

Bldg. 4640
Fort Benning
Ft. Benning Co: Muscogee GA 31905–
Landholding Agency: Army
Property Number: 219720188
Status: Unutilized
Comment: 3800 sq. ft., needs rehab, most recent use—exchange branch, off-site use only

8 Bldgs.
Fort Benning
4700–4701, 4704–4707, 4710–4711
Ft. Benning Co: Muscogee GA 31905–
Landholding Agency: Army
Property Number: 219720189
Status: Unutilized
Comment: 6433 sq. ft. each, needs rehab, most recent use—unaccompanied personnel housing, off-site use only

Bldgs. 4703, 4708–4709
Fort Benning
Ft. Benning Co: Muscogee GA 31905–
Landholding Agency: Army
Property Number: 219720190
Status: Unutilized
Comment: 3570 sq. ft. each, needs rehab, most recent use—battalion headquarters bldg., off-site use only

Bldg. 4714
Fort Benning
Ft. Benning Co: Muscogee GA 31905–
Landholding Agency: Army
Property Number: 219720191
Status: Unutilized
Comment: 1983 sq. ft., needs rehab, most recent use—battalion headquarters bldg., off-site use only

Bldg. 4702
Fort Benning
Ft. Benning Co: Muscogee GA 31905–
Landholding Agency: Army
Property Number: 219720192
Status: Unutilized
Comment: 3690 sq. ft., needs rehab, most recent use—dining facility, off-site use only

Bldgs. 4712–4713
Fort Benning
Ft. Benning Co: Muscogee GA 31905–
Landholding Agency: Army
Property Number: 219720193
Status: Unutilized
Comment: 1983 sq. ft. and 10270 sq. ft., needs rehab, most recent use—company headquarters bldg., off-site use only

Bldg. T–930
Fort Stewart
Hinesville Co: Liberty GA 31314–
Landholding Agency: Army
Property Number: 219730218
Status: Unutilized
Comment: 34098 sq. ft., poor condition, most recent use—laundry, off-site use only

Bldg. T–931
Fort Stewart
Hinesville Co: Liberty GA 31314–
Landholding Agency: Army
Property Number: 219730219
Status: Unutilized
Comment: 2232 sq. ft., poor condition, most recent use—gas gen. plant, off-site use only

Bldg. T–949
Fort Stewart
Hinesville Co: Liberty GA 31314–
Landholding Agency: Army
Property Number: 219730220
Status: Unutilized
Comment: 240 sq. ft., poor condition, most recent use—plant bldg., off-site use only

Hawaii

P–88
Aliamanu Military Reservation
Honolulu Co: Honolulu HI 96818–
Location: Approximately 600 feet from Main Gate on Aliamanu Drive.
Landholding Agency: Army
Property Number: 219030324
Status: Unutilized
Comment: 45,216 sq. ft. underground tunnel complex, pres. of asbestos, clean-up required of contamination, use of respirator required by those entering property, use limitations

Bldg. S–823
Wheeler Army Airfield
Wahiawa HI 96786–
Landholding Agency: Army
Property Number: 219520082
Status: Unutilized
Comment: 3150 sq. ft., 2-story wood frame, most recent use—office, off-site use only

Bldg. T–723
Fort Shafter
Honolulu HI 96819–
Landholding Agency: Army
Property Number: 219620657
Status: Unutilized
Comment: 1751 sq. ft., most recent use—store house, off-site use only

Bldg. T–1629
Schofield Barracks
Wahiawa HI 96786–
Landholding Agency: Army
Property Number: 219620658
Status: Unutilized
Comment: 3287 sq. ft., most recent use—storage, possible termite infestation, off-site use only

Bldg. T–587
Schofield Barracks
Wahiawa HI 96786–
Landholding Agency: Army
Property Number: 219640198
Status: Unutilized
Comment: 3448 sq. ft., most recent use—office, off-site use only

Bldg. P–591
Schofield Barracks
Wahiawa HI 96786–
Landholding Agency: Army
Property Number: 219640199
Status: Unutilized
Comment: 800 sq. ft., most recent use—storage, off-site use only

Bldg. P–592
Schofield Barracks
Wahiawa HI 96786–
Landholding Agency: Army
Property Number: 219640200
Status: Unutilized
Comment: 800 sq. ft., most recent use—storage, off-site use only

Bldg. T–674A
Schofield Barracks
Wahiawa HI 96786–

Landholding Agency: Army
Property Number: 219640201
Status: Unutilized
Comment: 4365 sq. ft., most recent use—office/classroom, off-site use only

Bldg. T–675A
Schofield Barracks
Wahiawa HI 96786–
Landholding Agency: Army
Property Number: 219640202
Status: Unutilized
Comment: 4365 sq. ft., most recent use—office, off-site use only

Bldg. T–337
Fort Shafter
Honolulu Co: Honolulu HI 96819–
Landholding Agency: Army
Property Number: 219640203
Status: Unutilized
Comment: 132 sq. ft., most recent use—storage, off-site use only

Bldg. T–527
Fort Shafter
Honolulu Co: Honolulu HI 96819–
Landholding Agency: Army
Property Number: 219640204
Status: Unutilized
Comment: 4131 sq. ft., most recent use—training center, off-site use only

Bldg. P–593
Schofield Barracks
Wahiawa HI 96786–
Landholding Agency: Army
Property Number: 219710119
Status: Unutilized
Comment: 882 sq. ft., metal, good condition, off-site use only

Bldg. P–594
Schofield Barracks
Wahiawa HI 96786–
Landholding Agency: Army
Property Number: 219710120
Status: Unutilized
Comment: 882 sq. ft., metal, good condition, off-site use only

Bldg. P–225
Fort Shafter Military Reservation
Honolulu Co: Honolulu HI 96819–
Landholding Agency: Army
Property Number: 219710121
Status: Unutilized
Comment: 330 sq. ft., most recent use—storage, requires complete cleaning, off-site use only

Bldg. T–69
Schofield Barracks
Wahiawa HI 96786–
Landholding Agency: Army
Property Number: 219720198
Status: Unutilized
Comment: 3039 sq. ft., most recent use—chapel, needs repair, off-site use only

Bldg. T–911
Schofield Barracks
Wahiawa HI 96786–
Landholding Agency: Army
Property Number: 219720199
Status: Unutilized
Comment: 4800 sq. ft., most recent use—office, needs repair, off-site use only

Bldg. T–912
Schofield Barracks
Wahiawa HI 96786–
Landholding Agency: Army
Property Number: 219720200
Status: Unutilized
Comment: 4800 sq. ft., most recent use—office, needs repair, off-site use only

Bldg. T–913
Schofield Barracks
Wahiawa HI 96786–
Landholding Agency: Army
Property Number: 219720201
Status: Unutilized
Comment: 4800 sq. ft., most recent use—office, needs repair, off-site use only

Bldg. T–914
Schofield Barracks
Wahiawa HI 96786–
Landholding Agency: Army
Property Number: 219720202
Status: Unutilized
Comment: 144 sq. ft., most recent use—storage, needs repair, off-site use only

Bldg. T–917
Schofield Barracks
Wahiawa HI 96786–
Landholding Agency: Army
Property Number: 219720203
Status: Unutilized
Comment: 1328 sq. ft., most recent use—office, needs repair, off-site use only

Bldg. T–918
Schofield Barracks
Wahiawa HI 96786–
Landholding Agency: Army
Property Number: 219720204
Status: Unutilized
Comment: 1306 sq. ft., most recent use—classroom, needs repair, off-site use only

Bldg. T–920
Schofield Barracks
Wahiawa HI 96786–
Landholding Agency: Army
Property Number: 219720205
Status: Unutilized
Comment: 1306 sq. ft., most recent use—office, needs repair, off-site use only

Bldg. T–921
Schofield Barracks
Wahiawa HI 96786–
Landholding Agency: Army
Property Number: 219720206
Status: Unutilized
Comment: 1427 sq. ft., most recent use—office, needs repair, off-site use only

Bldg. T–450
Fort Shafter
Honolulu Co: Honolulu HI 96819–
Landholding Agency: Army
Property Number: 219730221
Status: Unutilized
Comment: 672 sq. ft., presence of asbestos/lead paint, most recent use—guest house, off-site use only

Bldg. T–451
Fort Shafter
Honolulu Co: Honolulu HI 96819–
Landholding Agency: Army
Property Number: 219730222
Status: Unutilized
Comment: 1348 sq. ft., presence of asbestos/lead paint, most recent use—guest house, off-site use only

Bldg. T–452
Fort Shafter
Honolulu Co: Honolulu HI 96819–
Landholding Agency: Army
Property Number: 219730223
Status: Unutilized
Comment: 672 sq. ft., presence of asbestos/lead paint, most recent use—guest house, off-site use only

Bldg. T–453
Fort Shafter
Honolulu Co: Honolulu HI 96819–
Landholding Agency: Army
Property Number: 219730224
Status: Unutilized
Comment: 1348 sq. ft., presence of asbestos/lead paint, most recent use—guest house, off-site use only

Bldg. T–454
Fort Shafter
Honolulu Co: Honolulu HI 96819–
Landholding Agency: Army
Property Number: 219730225
Status: Unutilized
Comment: 672 sq. ft., presence of asbestos/lead paint, most recent use—guest house, off-site use only

Bldg. T–455
Fort Shafter
Honolulu Co: Honolulu HI 96819–
Landholding Agency: Army
Property Number: 219730226
Status: Unutilized
Comment: 1348 sq. ft., presence of asbestos/lead paint, most recent use—guest house, off-site use only

Bldg. T–456
Fort Shafter
Honolulu Co: Honolulu HI 96819–
Landholding Agency: Army
Property Number: 219730227
Status: Unutilized
Comment: 672 sq. ft., presence of asbestos/lead paint, most recent use—guest house, off-site use only

Bldg. T–457
Fort Shafter
Honolulu Co: Honolulu HI 96819–
Landholding Agency: Army
Property Number: 219730228
Status: Unutilized
Comment: 1348 sq. ft., presence of asbestos/lead paint, most recent use—guest house, off-site use only

Bldg. T–458
Fort Shafter
Honolulu Co: Honolulu HI 96819–
Landholding Agency: Army
Property Number: 219730229
Status: Unutilized
Comment: 672 sq. ft., presence of asbestos/lead paint, most recent use—guest house, off-site use only.

Bldg. T–459
Fort Shafter
Honolulu Co: Honolulu HI 96819–
Landholding Agency: Army
Property Number: 219730230
Status: Unutilized
Comment: 1348 sq. ft., presence of asbestos/lead paint, most recent use—guest house, off-site use only

Bldg. T–460
Fort Shafter
Honolulu Co: Honolulu HI 96819–
Landholding Agency: Army
Property Number: 219730231
Status: Unutilized

Comment: 672 sq. ft., presence of asbestos/lead paint, most recent use—guest house, off-site use only

Bldg. T–105
Fort Shafter
Honolulu Co: Honolulu HI 96819–
Landholding Agency: Army
Property Number: 219740282
Status: Unutilized
Comment: 13,600 sq. ft., needs rehab, most recent use—offices, off-site use only

Bldg. S–305
Fort Shafter
Honolulu Co: Honolulu HI 96819–
Landholding Agency: Army
Property Number: 219740283
Status: Unutilized
Comment: 3883 sq. ft., needs rehab, most recent use—housing, off-site use only

Bldg. S–307
Fort Shafter
Honolulu Co: Honolulu HI 96819–
Landholding Agency: Army
Property Number: 219740284
Status: Unutilized
Comment: 2852 sq. ft., needs rehab, most recent use—housing, off-site use only

Bldgs. T–306, T–308, T–312
Fort Shafter
Honolulu Co: Honolulu HI 96819–
Landholding Agency: Army
Property Number: 219740285
Status: Unutilized
Comment: 400 sq. ft. each, needs rehab, most recent use—garages, off-site use only

10 Bldgs.
Fort Shafter
P–604 thru P–613
Honolulu Co: Honolulu HI 96819–
Landholding Agency: Army
Property Number: 219740286
Status: Unutilized
Comment: 4992 sq. ft. each, needs rehab, most recent use—housing off-site use only

11 Bldgs.
Fort Shafter
P–614 thru P–624
Honolulu Co: Honolulu HI 96819–
Landholding Agency: Army
Property Number: 219740287
Status: Unutilized
Comment: 4992 sq. ft. each, needs rehab, most recent use—housing, off-site use only

Bldg. P–631
Fort Shafter
Honolulu Co: Honolulu HI 96819–
Landholding Agency: Army
Property Number: 219740288
Status: Unutilized
Comment: 5028 sq. ft., needs rehab, most recent use—housing off-site use only

Bldg. P–633
Fort Shafter
Honolulu Co: Honolulu HI 96819–
Landholding Agency: Army
Property Number: 219740289
Status: Unutilized
Comment: 4554 sq. ft., needs rehab, most recent use—housing, off-site use only

Bldg. P–635
Fort Shafter
Honolulu Co: Honolulu HI 96819–
Landholding Agency: Army
Property Number: 219740290
Status: Unutilized
Comment: 6828 sq. ft., needs rehab, most recent use—housing, off-site use only

Illinois

Bldg. 54
Rock Island Arsenal
Rock Island Co: Rock Island, IL 61299–
Landholding Agency: Army
Property Number: 219620666
Status: Unutilized
Comment: 2000 sq. ft., most recent use—oil storage, needs repair, off-site use only

Kansas

Bldg. 166, Fort Riley
Ft. Riley Co: Geary KS 66442–
Landholding Agency: Army
Property Number: 219410325
Status: Unutilized
Comment: 3803 sq. ft., 3-story brick residence, needs rehab, presence of asbestos, located within National Registered Historic District

Bldg. 184, Fort Riley
Ft. Riley KS 66442–
Landholding Agency: Army
Property Number: 219430146
Status: Unutilized
Comment: 1959 sq. ft., 1-story, needs rehab, presence of asbestos, most recent use—boiler plant, historic district

Bldg. P–313, Fort Riley
Ft. Riley KS 66442–
Landholding Agency: Army
Property Number: 219620668
Status: Unutilized
Comment: 6222 sq. ft., most recent use—admin. bldg., needs repair, possible asbestos

Bldg. P–138
Fort Leavenworth
Leavenworth KS 66027–
Landholding Agency: Army
Property Number: 219730232
Status: Unutilized
Comment: 5087 sq. ft., 2-story, possible asbestos/lead paint, most recent use—battalion hdqtrs., off-site use only

Bldg. P–139
Fort Leavenworth
Leavenworth KS 66027–
Landholding Agency: Army
Property Number: 219730233
Status: Unutilized
Comment: 1798 sq. ft., possible asbestos/lead paint, most recent use—brigade hdqtrs., off-site use only

Bldg. S–402
Fort Leavenworth
Leavenworth KS 66027–
Landholding Agency: Army
Property Number: 219730234
Status: Unutilized
Comment: 2792 sq. ft., possible asbestos/lead paint, most recent use—hospital clinic, off-site use only

Bldg. S–404
Fort Leavenworth
Leavenworth KS 66027–
Landholding Agency: Army
Property Number: 219730235
Status: Unutilized
Comment: 4795 sq. ft., possible asbestos/lead paint, most recent use—hospital clinic, off-site use only

Bldg. P–355
Fort Leavenworth
Leavenworth KS 66027–
Landholding Agency: Army
Property Number: 219740291
Status: Unutilized
Comment: 3523 sq. ft., most recent use—pole barn, off-site use only

Bldg. P–356
Fort Leavenworth
Leavenworth KS 66027–
Landholding Agency: Army
Property Number: 219740292
Status: Unutilized
Comment: 2898 sq. ft., most recent use—quonset barn, off-site use only

Bldg. P–358
Fort Leavenworth
Leavenworth KS 66027–
Landholding Agency: Army
Property Number: 219740293
Status: Unutilized
Comment: 1960 sq. ft., presence of lead based paint, most recent use—barn, off-site use only

Bldg. P–389
Fort Leavenworth
Leavenworth KS 66027–
Landholding Agency: Army
Property Number: 219740294
Status: Unutilized
Comment: 576 sq. ft., presence of lead based paint, most recent use—storage, off-site use only

Bldg. P–390
Fort Leavenworth
Leavenworth KS 66027–
Landholding Agency: Army
Property Number: 219740295
Status: Unutilized
Comment: 4713 sq. ft., presence of lead based paint, most recent use—swine house, off-site use only

Bldg. P–411
Fort Leavenworth
Leavenworth KS 66027–
Landholding Agency: Army
Property Number: 219740296
Status: Unutilized
Comment: 2898 sq. ft., most recent use—barn, off-site use only

Bldg. P–416
Fort Leavenworth
Leavenworth KS 66027–
Landholding Agency: Army
Property Number: 219740297
Status: Unutilized
Comment: 2760 sq. ft., presence of lead based paint, most recent use—horse stable, off-site use only

Louisiana

Bldg. 7311, Fort Polk
Ft. Polk Co: Vernon LA 71459–
Landholding Agency: Army
Property Number: 219620681
Status: Underutilized
Comment: 643 sq. ft., most recent use—BOQ Transient

Bldg. 7310, Fort Polk
Ft. Polk Co: Vernon LA 71459–
Landholding Agency: Army
Property Number: 219620682
Status: Underutilized
Comment: 643 sq. ft., most recent use—BOQ Transient

Bldg. 7309, Fort Polk
Ft. Polk Co: Vernon LA 71459–
Landholding Agency: Army
Property Number: 219620683
Status: Underutilized
Comment: 643 sq. ft., most recent use—BOQ Transient, needs repair

Bldg. 5917 A, B, C, D
Fort Polk
Ft. Polk Co: Vernon Parish LA 71459–7100
Landholding Agency: Army
Property Number: 219630164
Status: Unutilized
Comment: 3902 sq. ft., family housing, needs rehab

Bldg. 7805, Fort Polk
Ft. Polk Co: Vernon Parish LA 71459–
Landholding Agency: Army
Property Number: 219640513
Status: Unutilized
Comment: 4172 sq. ft., 2-story, most recent use—barracks

Bldg. 7806, Fort Polk
Ft. Polk Co: Vernon Parish LA 71459–
Landholding Agency: Army
Property Number: 219640514
Status: Unutilized
Comment: 4172 sq. ft., 2-story, most recent use—barracks

Bldg. 7807, Fort Polk
Ft. Polk Co: Vernon Parish LA 71459–
Landholding Agency: Army
Property Number: 219640515
Status: Unutilized
Comment: 4172 sq. ft., 2-story, most recent use—barracks

Bldg. 7808, Fort Polk
Ft. Polk Co: Vernon Parish LA 71459–
Landholding Agency: Army
Property Number: 219640516
Status: Underutilized
Comment: 4172 sq. ft., 2-story, most recent use—barracks

Bldg. 7809, Fort Polk
Ft. Polk Co: Vernon Parish LA 71459–
Landholding Agency: Army
Property Number: 219640517
Status: Underutilized
Comment: 4172 sq. ft., 2-story, most recent use—barracks

Bldg. 7810, Fort Polk
Ft. Polk Co: Vernon Parish LA 71459–
Landholding Agency: Army
Property Number: 219640518
Status: Underutilized
Comment: 4172 sq. ft., 2-story, most recent use—barracks

Bldg. 7811, Fort Polk
Ft. Polk Co: Vernon Parish LA 71459–
Landholding Agency: Army
Property Number: 219640519
Status: Underutilized
Comment: 4172 sq. ft., 2-story, most recent use—barracks

Bldg. 7813, Fort Polk
Ft. Polk Co: Vernon Parish LA 71459–
Landholding Agency: Army
Property Number: 219640520
Status: Underutilized
Comment: 4172 sq. ft., 2-story, most recent use—barracks

Bldg. 7814, Fort Polk
Ft. Polk Co: Vernon Parish LA 71459–
Landholding Agency: Army
Property Number: 219640521
Status: Underutilized
Comment: 4172 sq. ft., 2-story, most recent use—barracks

Bldg. 7815, Fort Polk
Ft. Polk Co: Vernon Parish LA 71459–
Landholding Agency: Army
Property Number: 219640522
Status: Underutilized
Comment: 4172 sq. ft., 2-story, most recent use—barracks

Bldg. 7816, Fort Polk
Ft. Polk Co: Vernon Parish LA 71459–
Landholding Agency: Army
Property Number: 219640523
Status: Underutilized
Comment: 4172 sq. ft., 2-story, most recent use—barracks

Bldg. 8405, Fort Polk
Ft. Polk Co: Vernon Parish LA 71459–
Landholding Agency: Army
Property Number: 219640524
Status: Underutilized
Comment: 1029 sq. ft., most recent use—office

Bldg. 8407, Fort Polk
Ft. Polk Co: Vernon Parish LA 71459–
Landholding Agency: Army
Property Number: 219640525
Status: Underutilized
Comment: 2055 sq. ft., most recent use—admin.

Bldg. 8408, Fort Polk
Ft. Polk Co: Vernon Parish LA 71459–
Landholding Agency: Army
Property Number: 219640526
Status: Underutilized
Comment: 2055 sq. ft., most recent use—admin.

Bldg. 8414, Fort Polk
Ft. Polk Co: Vernon Parish LA 71459–
Landholding Agency: Army
Property Number: 219640527
Status: Underutilized
Comment: 4172 sq. ft., most recent use—barracks

Bldg. 8423, Fort Polk
Ft. Polk Co: Vernon Parish LA 71459–
Landholding Agency: Army
Property Number: 219640528
Status: Underutilized
Comment: 4172 sq. ft., most recent use—barracks

Bldg. 8424, Fort Polk
Ft. Polk Co: Vernon Parish LA 71459–
Landholding Agency: Army
Property Number: 219640529
Status: Underutilized
Comment: 4172 sq. ft., most recent use—barracks

Bldg. 8426, Fort Polk
Ft. Polk Co: Vernon Parish LA 71459–
Landholding Agency: Army
Property Number: 219640530
Status: Underutilized
Comment: 4172 sq. ft., most recent use—barracks

Bldg. 8427, Fort Polk
Ft. Polk Co: Vernon Parish LA 71459–
Landholding Agency: Army
Property Number: 219640531
Status: Underutilized
Comment: 4172 sq. ft., most recent use—barracks

Bldg. 8428, Fort Polk
Ft. Polk Co: Vernon Parish LA 71459–
Landholding Agency: Army
Property Number: 219640532
Status: Underutilized
Comment: 4172 sq. ft., most recent use—barracks

Bldg. 8429, Fort Polk
Ft. Polk Co: Vernon Parish LA 71459–
Landholding Agency: Army
Property Number: 219640533
Status: Underutilized
Comment: 4172 sq. ft., most recent use—barracks

Bldg. 8430, Fort Polk
Ft. Polk Co: Vernon Parish LA 71459–
Landholding Agency: Army
Property Number: 219640534
Status: Underutilized
Comment: 4172 sq. ft., most recent use—barracks

Bldg. 8431, Fort Polk
Ft. Polk Co: Vernon Parish LA 71459–
Landholding Agency: Army
Property Number: 219640535
Status: Underutilized
Comment: 4172 sq. ft., most recent use—barracks

Bldg. 8432, Fort Polk
Ft. Polk Co: Vernon Parish LA 71459–
Landholding Agency: Army
Property Number: 219640536
Status: Underutilized
Comment: 4172 sq. ft., most recent use—barracks

Bldg. 8433, Fort Polk
Ft. Polk Co: Vernon Parish LA 71459–
Landholding Agency: Army
Property Number: 219640537
Status: Underutilized
Comment: 4172 sq. ft., most recent use—barracks

Bldg. 8446, Fort Polk
Ft. Polk Co: Vernon Parish LA 71459–
Landholding Agency: Army
Property Number: 219640538
Status: Underutilized
Comment: 2093 sq. ft., most recent use—admin.

Bldg. 8449, Fort Polk
Ft. Polk Co: Vernon Parish LA 71459–
Landholding Agency: Army
Property Number: 219640539
Status: Underutilized
Comment: 2093 sq. ft., most recent use—office

Bldg. 8450, Fort Polk
Ft. Polk Co: Vernon Parish LA 71459–
Landholding Agency: Army
Property Number: 219640540
Status: Underutilized
Comment: 2093 sq. ft., most recent use—admin.

Bldg. 8457, Fort Polk
Ft. Polk Co: Vernon Parish LA 71459–
Landholding Agency: Army
Property Number: 219640541
Status: Underutilized
Comment: 4172 sq. ft., most recent use—barracks

Bldg. 8458, Fort Polk
Ft. Polk Co: Vernon Parish LA 71459–
Landholding Agency: Army
Property Number: 219640542

Status: Underutilized
Comment: 4172 sq. ft., most recent use—barracks

Bldg. 8459, Fort Polk
Ft. Polk Co: Vernon Parish LA 71459–
Landholding Agency: Army
Property Number: 219640543
Status: Underutilized
Comment: 4172 sq. ft., most recent use—barracks

Bldg. 8460, Fort Polk
Ft. Polk Co: Vernon Parish LA 71459–
Landholding Agency: Army
Property Number: 219640544
Status: Underutilized
Comment: 4172 sq. ft., most recent use—barracks

Bldg. 8461, Fort Polk
Ft. Polk Co: Vernon Parish LA 71459–
Landholding Agency: Army
Property Number: 219640545
Status: Underutilized
Comment: 4172 sq. ft., most recent use—barracks

Bldg. 8462, Fort Polk
Ft. Polk Co: Vernon Parish LA 71459–
Landholding Agency: Army
Property Number: 219640546
Status: Underutilized
Comment: 4172 sq. ft., most recent use—barracks

Bldg. 8463, Fort Polk
Ft. Polk Co: Vernon Parish LA 71459–
Landholding Agency: Army
Property Number: 219640547
Status: Underutilized
Comment: 4172 sq. ft., most recent use—barracks

Bldg. 8501, Fort Polk
Ft. Polk Co: Vernon Parish LA 71459–
Landholding Agency: Army
Property Number: 219640548
Status: Underutilized
Comment: 1687 sq. ft., most recent use—office

Bldg. 8502, Fort Polk
Ft. Polk Co: Vernon Parish LA 71459–
Landholding Agency: Army
Property Number: 219640549
Status: Underutilized
Comment: 1029 sq. ft., most recent use—office

Bldg. 8540, Fort Polk
Ft. Polk Co: Vernon Parish LA 71459–
Landholding Agency: Army
Property Number: 219640550
Status: Underutilized
Comment: 4172 sq. ft., most recent use—barracks

Bldg. 8541, Fort Polk
Ft. Polk Co: Vernon Parish LA 71459–
Landholding Agency: Army
Property Number: 219640551
Status: Underutilized
Comment: 4172 sq. ft., most recent use—barracks

Bldg. 8542, Fort Polk
Ft. Polk Co: Vernon Parish LA 71459–
Landholding Agency: Army
Property Number: 219640552
Status: Underutilized
Comment: 4172 sq. ft., most recent use—barracks

Bldg. 8543, Fort Polk
Ft. Polk Co: Vernon Parish LA 71459–
Landholding Agency: Army
Property Number: 219640553
Status: Underutilized
Comment: 4172 sq. ft., most recent use—barracks

Bldg. 8544, Fort Polk
Ft. Polk Co: Vernon Parish LA 71459–
Landholding Agency: Army
Property Number: 219640554
Status: Underutilized
Comment: 4172 sq. ft., most recent use—barracks

Bldg. 8545, Fort Polk
Ft. Polk Co: Vernon Parish LA 71459–
Landholding Agency: Army
Property Number: 219640555
Status: Underutilized
Comment: 4172 sq. ft., most recent use—barracks

Bldg. 8546, Fort Polk
Ft. Polk Co: Vernon Parish LA 71459–
Landholding Agency: Army
Property Number: 219640556
Status: Underutilized
Comment: 4172 sq. ft., most recent use—barracks

Bldg. 8547, Fort Polk
Ft. Polk Co: Vernon Parish LA 71459–
Landholding Agency: Army
Property Number: 219640557
Status: Underutilized
Comment: 4172 sq. ft., most recent use—barracks

Bldg. 8548, Fort Polk
Ft. Polk Co: Vernon Parish LA 71459–
Landholding Agency: Army
Property Number: 219640558
Status: Underutilized
Comment: 4172 sq. ft., most recent use—barracks

Bldg. 8549, Fort Polk
Ft. Polk Co: Vernon Parish LA 71459–
Landholding Agency: Army
Property Number: 219640559
Status: Underutilized
Comment: 4172 sq. ft., most recent use—barracks

Bldg. 7401
Ft. Polk
Ft. Polk Co: Vernon Parish LA 71459–
Landholding Agency: Army
Property Number: 219730236
Status: Unutilized
Comment: 1688 sq. ft., most recent use—classroom, off-site use only

Bldg. 7402
Ft. Polk
Ft. Polk Co: Vernon Parish LA 71459–
Landholding Agency: Army
Property Number: 219730237
Status: Unutilized
Comment: 1675 sq. ft., most recent use—admin/supply, off-site use only

Bldg. 7403
Ft. Polk
Ft. Polk Co: Vernon Parish LA 71459–
Landholding Agency: Army
Property Number: 219730238
Status: Unutilized
Comment: 2093 sq. ft., most recent use—admin/supply, off-site use only

Bldg. 7404
Ft. Polk
Ft. Polk Co: Vernon Parish LA 71459–
Landholding Agency: Army
Property Number: 219730239
Status: Unutilized
Comment: 2093 sq. ft., most recent use—admin/supply, off-site use only

Bldg. 7405
Ft. Polk
Ft. Polk Co: Vernon Parish LA 71459–
Landholding Agency: Army
Property Number: 219730240
Status: Unutilized
Comment: 1922 sq. ft., most recent use—recreation, off-site use only

Bldg. 7406
Ft. Polk
Ft. Polk Co: Vernon Parish LA 71459–
Landholding Agency: Army
Property Number: 219730241
Status: Unutilized
Comment: 1675 sq. ft., most recent use—storage, off-site use only

Bldg. 7407
Ft. Polk
Ft. Polk Co: Vernon Parish LA 71459–
Landholding Agency: Army
Property Number: 219730242
Status: Unutilized
Comment: 2093 sq. ft., most recent use—admin/supply, off-site use only

Bldg. 7408
Ft. Polk
Ft. Polk Co: Vernon Parish LA 71459–
Landholding Agency: Army
Property Number: 219730243
Status: Unutilized
Comment: 2093 sq. ft., most recent use—admin/supply, off-site use only

Bldg. 7412
Ft. Polk
Ft. Polk Co: Vernon Parish LA 71459–
Landholding Agency: Army
Property Number: 219730244
Status: Unutilized
Comment: 1029 sq. ft., most recent use—admin., off-site use only

Bldg. 7419
Fort Polk
Ft. Polk Co: Vernon Parish LA 71459–
Landholding Agency: Army
Property Number: 219730245
Status: Unutilized
Comment: 2777 sq. ft., most recent use—classroom, off-site use only

Bldg. 7423
Fort Polk
Ft. Polk Co: Vernon Parish LA 71459–
Landholding Agency: Army
Property Number: 219730246
Status: Unutilized
Comment: 4073 sq. ft., most recent use—barracks, off-site use only

Bldg. 7424
Fort Polk
Ft. Polk Co: Vernon Parish LA 71459–
Landholding Agency: Army
Property Number: 219730247
Status: Unutilized
Comment: 4073 sq. ft., most recent use—barracks, off-site use only

Bldg. 7425
Fort Polk
Ft. Polk Co: Vernon Parish LA 71459–
Landholding Agency: Army

Property Number: 219730248
Status: Unutilized
Comment: 4073 sq. ft., most recent use—barracks, off-site use only

Bldg. 7437
Fort Polk
Ft. Polk Co: Vernon Parish LA 71459–
Landholding Agency: Army
Property Number: 219730249
Status: Unutilized
Comment: 4073 sq. ft., most recent use—barracks, off-site use only

Bldg. 7438
Fort Polk
Ft. Polk Co: Vernon Parish LA 71459–
Landholding Agency: Army
Property Number: 219730250
Status: Unutilized
Comment: 4073 sq. ft., most recent use—barracks, off-site use only

Bldg. 7453
Fort Polk
Ft. Polk Co: Vernon Parish LA 71459–
Landholding Agency: Army
Property Number: 219730251
Status: Unutilized
Comment: 1029 sq. ft., most recent use—admin., off-site use only

Bldg. 7454
Fort Polk
Ft. Polk Co: Vernon Parish LA 71459–
Landholding Agency: Army
Property Number: 219730252
Status: Unutilized
Comment: 1922 sq. ft., most recent use—dining facility, off-site use only

Bldg. 7455
Fort Polk
Ft. Polk Co: Vernon Parish LA 71459–
Landholding Agency: Army
Property Number: 219730253
Status: Unutilized
Comment: 2093 sq. ft., off-site use only

Bldg. 7456
Fort Polk
Ft. Polk Co: Vernon Parish LA 71459–
Landholding Agency: Army
Property Number: 219730254
Status: Unutilized
Comment: 2543 sq. ft., off-site use only

Bldg. 7457
Fort Polk
Ft. Polk Co: Vernon Parish LA 71459–
Landholding Agency: Army
Property Number: 219730255
Status: Unutilized
Comment: 2356 sq. ft., most recent use—dining, off-site use only

Maryland

Bldg. 6687
Fort George G. Meade
Mapes and Zimbroski Roads
Ft. Meade Co: Anne Arundel MD 20755–5115
Landholding Agency: Army
Property Number: 219220446
Status: Unutilized
Comment: 1150 sq. ft., presence of asbestos, wood frame, most recent use—veterinarian clinic, off-site removal only, sched. to be vacated 10/1/92.

Bldg. 370
Fort Meade
Ft. Meade Co: Anne Arundel MD 20755–5115
Landholding Agency: Army
Property Number: 219730256
Status: Unutilized
Comment: 19,583 sq. ft., most recent use—NCO club, possible asbestos/lead paint

Bldg. 2424
Fort Meade
Ft. Meade Co: Anne Arundel MD 20755–5115
Landholding Agency: Army
Property Number: 219730257
Status: Unutilized
Comment: 2284 sq. ft., most recent use—admin., possible asbestos/lead paint

Bldg. 4039
Aberdeen Proving Ground Co: Harford MD 21005–5001
Landholding Agency: Army
Property Number: 219740304
Status: Unutilized
Comment: 249 sq. ft., concrete block, presence of asbestos/lead paint, most recent use—storage

Bldg. 2446
Fort George G. Meade
Ft. Meade Co: Anne Arundel MD 20755–5115
Landholding Agency: Army
Property Number: 219740305
Status: Unutilized
Comment: 4720 sq. ft., presence of asbestos/lead paint, most recent use—admin., off-site use only

Bldg. 2472
Fort George G. Meade
Ft. Meade Co: Anne Arundel MD 20755–5115
Landholding Agency: Army
Property Number: 219740306
Status: Unutilized
Comment: 7670 sq. ft., presence of asbestos/lead paint, most recent use—admin., off-site use only

Bldg. 2802
Fort George G. Meade
Ft. Meade Co: Anne Arundel MD 20755–5115
Landholding Agency: Army
Property Number: 219740307
Status: Unutilized
Comment: 1144 sq. ft., presence of asbestos/lead paint, most recent use—lab, off-site use only

Bldg. 3179
Fort George G. Meade
Ft. Meade Co: Anne Arundel MD 20755–5115
Landholding Agency: Army
Property Number: 219740308
Status: Unutilized
Comment: 7670 sq. ft., presence of asbestos/lead paint, most recent use—admin., off-site use only

Bldg. 4700
Fort George G. Meade
Ft. Meade Co: Anne Arundel MD 20755–5115
Landholding Agency: Army
Property Number: 219740309
Status: Unutilized
Comment: 36,619 sq. ft., presence of asbestos/lead paint, most recent use—admin., off-site use only

Bldg. 2805
Fort George G. Meade
Ft. Meade Co: Anne Arundel MD 20755–5115
Landholding Agency: Army
Property Number: 219740351
Status: Unutilized
Comment: 2208 sq. ft., presence of asbestos/lead paint, most recent use—lab, off-site use only

Massachusetts

Bldgs. T–2011, 2012, 2014
Devens RFTA
Devens RFTA MA 01432–
Landholding Agency: Army
Property Number: 219740298
Status: Underutilized
Comment: 4890 sq. ft., needs rehab, presence of asbestos/lead paint, most recent use—office

Bldg. T–2013
Devens RFTA
Devens RFTA MA 01432–
Landholding Agency: Army
Property Number: 219740299
Status: Unutilized
Comment: 9110 sq. ft., needs rehab, presence of asbestos/lead paint, most recent use—office

Bldg. T–2015
Devens RFTA
Devens RFTA MA 01432–
Landholding Agency: Army
Property Number: 219740300
Status: Underutilized
Comment: 2497 sq. ft., needs rehab, presence of asbestos/lead paint, most recent use—storage

Bldg. T–3553
Devens RFTA
Devens RFTA MA 01432–
Landholding Agency: Army
Property Number: 219740302
Status: Underutilized
Comment: 1160 sq. ft., needs rehab, presence of asbestos/lead paint, most recent use—storage

Bldgs. T–3555, 3568
Devens RFTA
Devens RFTA MA 01432–
Landholding Agency: Army
Property Number: 219740303
Status: Underutilized
Comment: 7277 sq. ft., needs rehab, presence of asbestos/lead paint, most recent use—storage

Missouri

Bldg. T599
Fort Leonard Wood
Ft. Leonard Wood Co: Pulaski MO 65473–5000
Landholding Agency: Army
Property Number: 219230260
Status: Underutilized
Comment: 18270 sq. ft., 1-story, presence of asbestos, most recent use—storehouse, off-site use only

Bldg. T1311
Fort Leonard Wood
Ft. Leonard Wood Co: Pulaski MO 65473–5000
Landholding Agency: Army
Property Number: 219230261
Status: Underutilized
Comment: 2740 sq. ft., 1-story, presence of asbestos, most recent use—storehouse, off-site use only

Bldg. T427
Fort Leonard Wood
Ft. Leonard Wood Co: Pulaski MO 65473–5000
Landholding Agency: Army
Property Number: 219330299
Status: Underutilized

Comment: 10245 sq. ft., 1-story, presence of asbestos, most recent use—post office, off-site use only

Bldg. T2171
Fort Leonard Wood
Ft. Leonard Wood Co: Pulaski MO 65473–5000
Landholding Agency: Army
Property Number: 219340212
Status: Unutilized
Comment: 1296 sq. ft., 1-story wood frame, most recent use—administrative, no handicap fixtures, lead base paint, off-site use only

Bldg. T6822
Fort Leonard Wood
Ft. Leonard Wood Co: Pulaski MO 65473–5000
Landholding Agency: Army
Property Number: 219340219
Status: Underutilized
Comment: 4000 sq. ft., 1-story wood frame, most recent use—storage, no handicap fixtures, off-site use only

Bldg. T1364
Fort Leonard Wood
Ft. Leonard Wood Co: Pulaski MO 65473–5000
Landholding Agency: Army
Property Number: 219420393
Status: Underutilized
Comment: 1144 sq. ft., 1-story, presence of lead paint, most recent use—storage, off-site use only

Bldg. T408
Fort Leonard Wood
Ft. Leonard Wood Co: Pulaski MO 65473–5000
Landholding Agency: Army
Property Number: 219420433
Status: Underutilized
Comment: 10296 sq. ft., 1-story, presence of lead base paint, most recent use—admin/gen. purpose, off-site use only

Bldg. T429
Fort Leonard Wood
Ft. Leonard Wood Co: Pulaski MO 65473–5000
Landholding Agency: Army
Property Number: 219420439
Status: Underutilized
Comment: 2475 sq. ft., 1-story, presence of lead base paint, most recent use—admin/gen. purpose, off-site use only

Bldg. T1497
Fort Leonard Wood
Ft. Leonard Wood Co: Pulaski MO 65473–5000
Landholding Agency: Army
Property Number: 219420441
Status: Underutilized
Comment: 4720 sq. ft., 2-story, presence of lead base paint, most recent use—admin/gen. purpose, off-site use only

Bldg. T2139
Fort Leonard Wood
Ft. Leonard Wood Co: Pulaski MO 65473–5000
Landholding Agency: Army
Property Number: 219420446
Status: Underutilized
Comment: 3663 sq. ft., 1-story, presence of lead base paint, most recent use—admin/gen. purpose, off-site use only

Bldg. T2191
Fort Leonard Wood
Ft. Leonard Wood Co: Pulaski MO 65473–5000
Landholding Agency: Army
Property Number: 219440334
Status: Excess
Comment: 4720 sq. ft., 2 story wood frame, off-site removal only, to be vacated 8/95, lead based paint, most recent use—barracks

Bldg. T2197
Fort Leonard Wood
Ft. Leonard Wood Co: Pulaski MO 65473–5000
Landholding Agency: Army
Property Number: 219440335
Status: Excess
Comment: 4720 sq. ft., 2 story wood frame, off-site removal only, to be vacated 8/95, lead based paint, most recent use—barracks

Bldg. T590
Fort Leonard Wood
Ft. Leonard Wood Co: Pulaski MO 65473–5000
Landholding Agency: Army
Property Number: 219510110
Status: Excess
Comment: 3263 sq. ft., 1-story wood frame, most recent use—admin., to be vacated 8/95, off-site use only

Bldg. T1246
Fort Leonard Wood
Ft. Leonard Wood Co: Pulaski MO 65473–
Landholding Agency: Army
Property Number: 219510111
Status: Excess Comment: 1144 sq. ft., 1-story, wood frame, most recent use—admin., to be vacated 8/95, off-site use only

Bldg. T2385
Fort Leonard Wood
Ft. Leonard Wood Co: Pulaski MO 65473–
Landholding Agency: Army
Property Number: 219510115
Status: Excess
Comment: 3158 sq. ft., 1-story, wood frame, most recent use—admin., to be vacated 8/95, off-site use only

4 Bldgs.
Fort Leonard Wood
Ft. Leonard Wood Co: Pulaski MO 65473–5000
Landholding Agency: Army
Property Number: 219710124
Status: Unutilized
Comment: 1236 sq. ft. each, needs repair, presence of asbestos, most recent use—family quarters

38 Bldgs.
Fort Leonard Wood
Ft. Leonard Wood Co: Pulaski MO 65473–5000
Landholding Agency: Army
Property Number: 219710125
Status: Unutilized
Comment: 1083–1485 sq. ft. each, needs repair, presence of asbestos, most recent use—family quarters

14 Bldgs.
Fort Leonard Wood
Ft. Leonard Wood Co: Pulaski MO 65473–5000
Location: 1–5, 7, 22, 24, 26, 28, 30, 32, 34, 36 Diamond Street
Landholding Agency: Army
Property Number: 219710126
Status: Unutilized
Comment: 1083–1454 sq. ft. each, needs repair, presence of asbestos, most recent use—family quarters

32 Bldgs.
Fort Leonard Wood
Ft. Leonard Wood Co: Pulaski MO 65473–5000
Location: 1–17, 19, 21, 23, 25, 27, 29, 31, 33, 35, 52, 54, 56, 58, 60, 62 Elwood Street
Landholding Agency: Army
Property Number: 219710127
Status: Unutilized
Comment: 1083–1454 sq. ft. each, needs repair, presence of asbestos, most recent use—family quarters

4 Bldgs.
Fort Leonard Wood
Ft. Leonard Wood Co: Pulaski MO 65473–5000
Location: 1, 3, 5, 7 Epps Street
Landholding Agency: Army
Property Number: 219710128
Status: Unutilized
Comment: 1083 sq. ft. each, needs repair, presence of asbestos, most recent use—family quarters

46 Bldgs.
Fort Leonard Wood
Ft. Leonard Wood Co: Pulaski MO 65473–5000
Landholding Agency: Army
Property Number: 219710129
Status: Unutilized
Comment: 1083–1454 sq. ft. each, needs repair, presence of asbestos, most recent use—family quarters

14 Bldgs.
Fort Leonard Wood
Ft. Leonard Wood Co: Pulaski MO 65473–5000
Location: Young Street
Landholding Agency: Army
Property Number 219710130
Status: Unutilized
Comment: 1083 sq. ft. each, needs repair, presence of asbestos, most recent use—family quarters

Bldgs. T–2340 thru T2343
Fort Leonard Wood
Ft. Leonard Wood Co: Pulaski MO 65473–5000
Landholding Agency: Army
Property Number 219710138
Status: Underutilized
Comment: 9267 sq. ft. each, most recent use—storage/general purpose

Bldg. 1226
Fort Leonard Wood
Ft. Leonard Wood Co: Pulaski MO 65473–5000
Landholding Agency: Army
Property Number 219730275
Status: Unutilized
Comment: 1600 sq. ft., presence of asbestos/lead paint, most recent use—admin., off-site use only

Bldg. 1271
Fort Leonard Wood
Ft. Leonard Wood Co: Pulaski MO 65473–5000
Landholding Agency: Army
Property Number 219730276
Status: Unutilized

Comment: 2360 sq. ft., presence of asbestos/lead paint, most recent use—storage, off-site use only

Bldg. 1280
Fort Leonard Wood
Ft. Leonard Wood Co: Pulaski MO 65473–5000
Landholding Agency: Army
Property Number 219730277
Status: Unutilized
Comment: 1144 sq. ft., presence of asbestos/lead paint, most recent use—classroom, off-site use only

Bldg. 1281
Fort Leonard Wood
Ft. Leonard Wood Co: Pulaski MO 65473–5000
Landholding Agency: Army
Property Number 219730278
Status: Unutilized
Comment: 2360 sq. ft., presence of asbestos/lead paint, most recent use—classroom, off-site use only

Bldg. 1282
Fort Leonard Wood
Ft. Leonard Wood Co: Pulaski MO 65473–5000
Landholding Agency: Army
Property Number 219730279
Status: Unutilized
Comment: 4720 sq. ft., presence of asbestos/lead paint, most recent use—barracks, off-site use only

Bldg. 1283
Fort Leonard Wood
Ft. Leonard Wood Co: Pulaski MO 65473–5000
Landholding Agency: Army
Property Number 219730280
Status: Unutilized
Comment: 1296 sq. ft., presence of asbestos/lead paint, most recent use—storage, off-site use only

Bldg. 1284
Fort Leonard Wood
Ft. Leonard Wood Co: Pulaski MO 65473–5000
Landholding Agency: Army
Property Number 219730281
Status: Unutilized
Comment: 4720 sq. ft., presence of asbestos/lead paint, most recent use—admin., off-site use only

Bldg. 1285
Fort Leonard Wood
Ft. Leonard Wood Co: Pulaski MO 65473–5000
Landholding Agency: Army
Property Number 219730282
Status: Unutilized
Comment: 4720 sq. ft., presence of asbestos/lead paint, most recent use—barracks, off-site use only

Bldg. 1286
Fort Leonard Wood
Ft. Leonard Wood Co: Pulaski MO 65473–5000
Landholding Agency: Army
Property Number: 219730283
Status: Unutilized
Comment: 1296 sq. ft., presence of asbestos/lead paint, most recent use—admin., off-site use only

Bldg. 1287
Fort Leonard Wood
Ft. Leonard Wood Co: Pulaski MO 65473–5000
Landholding Agency: Army
Property Number: 219730284
Status: Unutilized
Comment: 4720 sq. ft., presence of asbestos/lead paint, most recent use—barracks, off-site use only

Bldg. 1288
Fort Leonard Wood
Ft. Leonard Wood Co: Pulaski MO 65473–5000
Landholding Agency: Army
Property Number: 219730285
Status: Unutilized
Comment: 2360 sq. ft., presence of asbestos/lead paint, most recent use—dining facility, off-site use only

Bldg. 1289
Fort Leonard Wood
Ft. Leonard Wood Co: Pulaski MO 65473–5000
Landholding Agency: Army
Property Number: 219730286
Status: Unutilized
Comment: 1144 sq. ft., presence of asbestos/lead paint, most recent use—classroom, off-site use only

Nevada

Bldgs. 00425–00449
Hawthorne Army Ammunition Plant
Schweer Drive Housing Area
Hawthorne Co: Mineral NV 89415–
Landholding Agency: Army
Property Number: 219011946
Status: Unutilized
Comment: 1310–1640 sq. ft., one floor residential, semi/wood construction, good condition

New Jersey

Bldg. 22
Armament R&D Engineering Center
Picatinny Arsenal Co: Morris NJ 07806–5000
Landholding Agency: Army
Property Number: 219740311
Status: Unutilized
Comment: 4220 sq. ft., needs rehab, most recent use—machine shop, off-site use only

Bldg. 178
Armament R&D Engineering Center
Picatinny Arsenal Co: Morris NJ 07806–5000
Landholding Agency: Army
Property Number: 219740312
Status: Unutilized
Comment: 2067 sq. ft., most recent use—research, off-site use only

Bldg. 213
Armament R&D Engineering Center
Picatinny Arsenal Co: Morris NJ 07806–5000
Landholding Agency: Army
Property Number: 219740313
Status: Unutilized
Comment: 915 sq. ft., most recent use—explosives research, off-site use only

Bldg. 642
Armament R&D Engineering Center
Picatinny Arsenal Co: Morris NJ 07806–5000
Landholding Agency: Army
Property Number: 219740314
Status: Unutilized
Comment: 280 sq. ft., most recent use—explosives testing, off-site use only

Bldg. 732
Armament R&D Engineering Center
Picatinny Arsenal Co: Morris NJ 07806–5000
Landholding Agency: Army
Property Number: 219740315
Status: Unutilized
Comment: 9077 sq. ft., needs rehab, most recent use—storage, off-site use only

Bldg. 975
Armament R&D Engineering Center
Picatinny Arsenal Co: Morris NJ 07806–5000
Landholding Agency: Army
Property Number: 219740316
Status: Unutilized
Comment: 1800 sq. ft., most recent use—admin., off-site use only

Bldg. 1222D
Armament R&D Engineering Center
Picatinny Arsenal Co: Morris NJ 07806–5000
Landholding Agency: Army
Property Number: 219740317
Status: Unutilized
Comment: 36 sq. ft., most recent use—storage, off-site use only

Bldg. 1604
Armament R&D Engineering Center
Picatinny Arsenal Co: Morris NJ 07806–5000
Landholding Agency: Army
Property Number: 219740321
Status: Unutilized
Comment: 8519 sq. ft., most recent use—loading facility, off-site use only

Bldg. 3117
Armament R&D Engineering Center
Picatinny Arsenal Co: Morris NJ 07806–5000
Landholding Agency: Army
Property Number: 219740322
Status: Unutilized
Comment: 100 sq. ft., most recent use—sentry station, off-site use only

Bldg. 3201
Armament R&D Engineering Center
Picatinny Arsenal Co: Morris NJ 07806–5000
Landholding Agency: Army
Property Number: 219740324
Status: Unutilized
Comment: 1360 sq. ft., most recent use—water treatment plant, off-site use only

Bldg. 3202
Armament R&D Engineering Center
Picatinny Arsenal Co: Morris NJ 07806–5000
Landholding Agency: Army
Property Number: 219740325
Status: Unutilized
Comment: 96 sq. ft., most recent use—snack bar, off-site use only

Bldg. 3219
Armament R&D Engineering Center
Picatinny Arsenal Co: Morris NJ 07806–5000
Landholding Agency: Army
Property Number: 219740326
Status: Unutilized
Comment: 288 sq. ft., most recent use—snack bar, off-site use only

New Mexico

Bldg. 357
White Sands Missile Range
White Sands Co: Dona Ana NM 88002–
Landholding Agency: Army
Property Number: 219330335
Status: Unutilized
Comment: 3600 sq. ft., 2-story, presence of asbestos, most recent use—admin., off-site use only

Bldg. 32980

White Sands Missile Range
White Sands Co: Dona Ana NM 88002–
Landholding Agency: Army
Property Number: 219330340
Status: Unutilized
Comment: 451 sq. ft., 1-story, presence of asbestos, most recent use—admin., off-site use only

Bldg. 28267
White Sands Missile Range
White Sands Co: Dona Ana NM 88002–
Landholding Agency: Army
Property Number: 219330351
Status: Unutilized
Comment: 617 sq. ft., 1-story, presence of asbestos, most recent use—storage, off-site use only

Bldg. 29195
White Sands Missile Range
White Sands Co: Dona Ana NM 88002–
Landholding Agency: Army
Property Number: 219330352
Status: Unutilized
Comment: 56 sq. ft., 1-story, presence of asbestos, most recent use—storage, off-site use only

Bldg. 34219
White Sands Missile Range
White Sands Co: Dona Ana NM 88002–
Landholding Agency: Army
Property Number: 219330353
Status: Unutilized
Comment: 720 sq. ft., 1-story, presence of asbestos, most recent use—storage, off-site use only

Bldg. 19242
White Sands Missile Range
White Sands Co: Dona Ana NM 88002–
Landholding Agency: Army
Property Number: 219330357
Status: Unutilized
Comment: 450 sq. ft., 1-story, presence of asbestos, most recent use—maintenance shop, off-site use only

Bldg. 34227
White Sands Missile Range
White Sands Co: Dona Ana NM 88002–
Landholding Agency: Army
Property Number: 219330358
Status: Unutilized
Comment: 675 sq. ft., 1-story, presence of asbestos, most recent use—maintenance shop, off-site use only

Bldg. 1834
White Sands Missile Range
White Sands Co: Dona Ana NM 88002–
Landholding Agency: Army
Property Number: 219330366
Status: Unutilized
Comment: 150 sq. ft., 1-story, presence of asbestos, most recent use—animal kennel, off-site use only

Bldg. 29196
White Sands Missile Range
White Sands Co: Dona Ana NM 88002–
Landholding Agency: Army
Property Number: 219330369
Status: Unutilized
Comment: 38 sq. ft., 1-story, presence of asbestos, most recent use—power plant bldg., off-site use only

Bldg. 30774
White Sands Missile Range
White Sands Co: Dona Ana NM 88002–
Landholding Agency: Army
Property Number: 219330370
Status: Unutilized
Comment: 176 sq. ft., 1-story, presence of asbestos, off-site use only

Bldg. 33136
White Sands Missile Range
White Sands Co: Dona Ana NM 88002–
Landholding Agency: Army
Property Number: 219330371
Status: Unutilized
Comment: 18 sq. ft., off-site use only

Bldg. 364
White Sands Missile Range
White Sands Co: Dona Ana MN 88002–
Landholding Agency: Army
Property Number: 219730300
Status: Unutilized
Comment: 1992 sq. ft., presence of asbestos, poor condition, most recent use—office, off-site use only

Bldg. 419
White Sands Missile Range
White Sands Co: Dona Ana MN 88002–
Landholding Agency: Army
Property Number: 219730301
Status: Unutilized
Comment: 4859 sq. ft., presence of asbestos, most recent use—storehouse, off-site use only

Bldg. 421
White Sands Missile Range
White Sands Co: Dona Ana MN 88002–
Landholding Agency: Army
Property Number: 219730302
Status: Unutilized
Comment: 6418 sq. ft., presence of asbestos, most recent use—storehouse, off-site use only

4 units—Ravenna
White Sands Missile Range
White Sands Co: Dona Ana MN 88002–
Landholding Agency: Army
Property Number: 219740327
Status: Unutilized
Comment: 1126 sq. ft., needs rehab, presence of asbestos, most recent use—housing, off-site use only

17 units
White Sands Missile Range
Picatinny, Dart, Hawk, LaCrosse
White Sands Co: Dona Ana MN 88002–
Landholding Agency: Army
Property Number: 219740328
Status: Unutilized
Comment: 1207 sq. ft., needs rehab, presence of asbestos, most recent use—housing, off-site use only

2 units
White Sands Missile Range
Picatinny
White Sands Co: Dona Ana MN 88002–
Landholding Agency: Army
Property Number: 219740329
Status: Unutilized
Comment: 1264 sq. ft., needs rehab, presence of asbestos, most recent use—housing, off-site use only

30 units
White Sands Missile Range
Hawk, LaCrosse, Ravenna
White Sands Co: Dona Ana MN 88002–
Landholding Agency: Army
Property Number: 219740330
Status: Unutilized
Comment: 1426 sq. ft., needs rehab, presence of asbestos, most recent use—housing, off-site use only

5 units
White Sands Missile Range
Dart, Hawk
White Sands Co: Dona Ana MN 88002–
Landholding Agency: Army
Property Number: 219740331
Status: Unutilized
Comment: 2080 sq. ft., needs rehab, presence of asbestos, most recent use—housing, off-site use only

3 units
White Sands Missile Range
Dart, Hawk
White Sands Co: Dona Ana MN 88002–
Landholding Agency: Army
Property Number: 219740332
Status: Unutilized
Comment: 2220 sq. ft., needs rehab, presence of asbestos, most recent use—housing, off-site use only

New York

Bldg. 100, Fort Hamilton
Bellmore Co: Nassau NY 11710–
Landholding Agency: Army
Property Number: 219340254
Status: Unutilized
Comment: 155 sq. ft., 1-story, most recent use—storage

Bldg. 200, Fort Hamilton
Bellmore Co: Nassau NY 11710–
Landholding Agency: Army
Property Number: 219340255
Status: Unutilized
Comment: 12000 sq. ft., 1-story, most recent use—office

Bldg. 300, Fort Hamilton
Bellmore Co: Nassau NY 11710–
Landholding Agency: Army
Property Number: 219340256
Status: Underutilized
Comment: 11000 sq. ft., 1-story, most recent use—reserve center

Bldg. 900, Fort Hamilton
Bellmore Co: Nassau NY 11710–
Landholding Agency: Army
Property Number: 219430259
Status: Underutilized
Comment: 400 sq. ft., 1-story, needs rehab, most recent use—material storage

Bldgs. 2400, 2402, 2404
Stewart Army Subpost
New Windsor Co: Orange NY 12553–
Landholding Agency: Army
Property Number: 219710131
Status: Unutilized
Comment: various sq. ft., most recent use—storage/dog kennel, need repairs, off-site use only

Bldgs. 2308, 2310
Stewart Army Subpost
New Windsor Co: Orange NY 12553–
Landholding Agency: Army
Property Number: 219710132
Status: Unutilized
Comment: 425 and 1834 sq. ft., most recent use—gas pump house/office/motor pool, need repairs, off-site use only

Bldgs. 1800, 1802, 1818
Stewart Army Subpost
New Windsor Co: Orange NY 12553–

Landholding Agency: Army
Property Number: 219710133
Status: Unutilized
Comment: approx. 6500 sq. ft., each, most recent use—barracks/storage, need repairs, off-site use only

Bldgs. 2612, 2614, 2616
Stewart Army Subpost
New Windsor Co: Orange NY 12553–
Landholding Agency: Army
Property Number: 219710134
Status: Unutilized
Comment: 10052 sq. ft., most recent use—family housing, need repairs, off-site use only

North Carolina

Building 8–3641
Fort Bragg
Fort Bragg Co: Cumberland NC 28307–
Landholding Agency: Army
Property Number: 219710025
Status: Unutilized
Comment: 960 sq. ft., aluminum trailer, needs repair, possible asbestos and leadpaint, off-site use only

Building A–3672
Fort Bragg
Fort Bragg Co: Cumberland NC 28307—
Landholding Agency: Army
Property Number: 219710026
Status: Unutilized
Comment: 30 sq. ft., guard shack, needs repair, possible asbestos and lead paint, off-site use only

Bldg. 1–3151
Fort Bragg
Ft. Bragg Co: Cumberland NC 28307–
Landholding Agency: Army
Property Number: 219740310
Status: Excess
Comment: 481 sq. ft., presence of asbestos/lead paint, most recent use—admin., off-site use only

North Dakota

Bldg. 1101
Stanley R. Mickelsen Safeguard Complex
Nekoma Co: Ramsey ND 58355–
Landholding Agency: Army
Property Number: 219640213
Status: Underutilized
Comment: 2259 sq. ft., earth covered concrete bldg., needs rehab, off-site use only

Bldg. 1110
Stanley R. Mickelsen Safeguard Complex
Nekoma Co: Ramsey ND 58355–
Landholding Agency: Army
Property Number: 219640214
Status: Underutilized
Comment: 11,956 sq. ft., concrete, needs rehab, off-site use only

Bldg. 2101
Stanley R. Mickelsen Safeguard Complex
Nekoma Co: Cavalier ND 58249–
Landholding Agency: Army
Property Number: 219640215
Status: Underutilized
Comment: 2259 sq. ft., earth covered concrete bldg., needs rehab, off-site use only

Bldg. 2110
Stanley R. Mickelsen Safeguard Complex
Nekoma Co: Cavalier ND 58249–
Landholding Agency: Army
Property Number: 219640216
Status: Underutilized
Comment: 11,956 sq. ft., concrete, needs rehab, off-site use only

Bldg. 4110
Stanley R. Mickelsen Safeguard Complex
Nekoma Co: Walsh ND 58355–
Landholding Agency: Army
Property Number: 219640218
Status: Underutilized
Comment: 11,956 sq. ft., concrete, needs rehab, off-site use only

Ohio

15 Units
Military Family Housing
Ravenna Army Ammunition Plant
Ravena Co: Portage OH 44266–9297
Landholding Agency: Army
Property Number: 219230354
Status: Excess
Comment: 3 bedroom (7 units)—1,824 sq. ft. each, 4 bedroom (8 units)—2,430 sq. ft. each, 2-story wood frame, presence of asbestos, off-site use only

7 Units
Military Family Housing Garages
Ravenna Army Ammunition Plant
Ravenna Co: Portage OH 44266–9297
Landholding Agency: Army
Property Number: 219230355
Status: Excess
Comment: 1–4 stall garage and 6–3 stall garages, presence of asbestos, off-site use only

Oklahoma

Bldg. T–2606
Fort Sill
2606 Currie Road
Lawton Co: Comanche OK 73503–5100
Landholding Agency: Army
Property Number: 219011273
Status: Unutilized
Comment: 2722 sq. ft.; possible asbestos, one floor wood frame; most recent use—Headquarters Bldg.

Bldg. T–838, Fort Sill
838 Macomb Road
Lawton Co: Comanche OK 73503–5100
Landholding Agency: Army
Property Number: 219220609
Status: Unutilized
Comment: 151 sq. ft., wood frame, 1 story, off-site removal only, most recent use—vet facility (quarantine stable)

Bldg. T–954, Fort Sill
954 Quinette Road
Lawton Co: Comanche OK 73503–5100
Landholding Agency: Army
Property Number: 219240659
Status: Unutilized
Comment: 3571 sq. ft., 1-story wood frame, needs rehab, off-site use only, most recent use—motor repair shop

Bldg. T–1050, Fort Sill
1050 Quinette Road
Lawton Co: Comanche OK 73503–5100
Landholding Agency: Army
Property Number: 219240660
Status: Unutilized
Comment: 6240 sq. ft., 2-story wood frame, needs rehab, off-site use only, most recent use—barracks

Bldg. T–1051, Fort Sill
1051 Quinette Road
Lawton Co: Comanche OK 73503–5100
Landholding Agency: Army
Property Number: 219240661
Status: Unutilized
Comment: 6240 sq. ft., 2-story wood frame, needs rehab, off-site use only, most recent use—barracks

Bldg. T–2740, Fort Sill
2740 Miner Road
Lawton Co: Comanche OK 73503–5100
Landholding Agency: Army
Property Number: 219240669
Status: Unutilized
Comment: 8210 sq. ft., 2-story wood frame, needs rehab, off-site use only, most recent use—enlisted barracks

Bldg. T–4050, Fort Sill
4050 Pitman Street
Lawton Co: Comanche OK 73503–5100
Landholding Agency: Army
Property Number: 219240676
Status: Unutilized
Comment: 3177 sq. ft., 1-story wood frame, needs rehab, off-site use only, most recent use—storage

Bldg. P–3032, Fort Sill
3032 Haskins Road
Lawton Co: Comanche OK 73503–5100
Landholding Agency: Army
Property Number: 219240678
Status: Unutilized
Comment: 101 sq. ft., 1-story wood frame, needs rehab, off-site use only, most recent use—general storehouse

Bldg. T–3325, Fort Sill
3325 Naylor Road
Lawton Co: Comanche OK 73503–5100
Landholding Agency: Army
Property Number: 219240681
Status: Unutilized
Comment: 8832 sq. ft., 1-story wood frame, needs rehab, off-site use only, most recent use—warehouse

Bldg. P–2610,
Fort Sill
Lawton Co: Comanche OK 73503–5100
Landholding Agency: Army
Property Number: 219330372
Status: Unutilized
Comment: 512 sq. ft., 1-story, possible asbestos, most recent use—classroom, off-site use only

Bldg. T1652,
Fort Sill
Lawton Co: Comanche OK 73503–5100
Landholding Agency: Army
Property Number: 219330380
Status: Unutilized
Comment: 1505 sq. ft., 1-story wood, possible asbestos, most recent use—storage, off-site use only

Bldg. T2705,
Fort Sill
Lawton Co: Comanche OK 73503–5100
Landholding Agency: Army
Property Number: 219330384
Status: Unutilized
Comment: 1601 sq. ft., 2-story wood, possible asbestos, most recent use—storage, off-site use only

Bldg. T3026,
Fort Sill
Lawton Co: Comanche OK 73503–5100
Landholding Agency: Army
Property Number: 219330392

Status: Unutilized
Comment: 2454 sq. ft., 1-story, possible asbestos, most recent use—storage, off-site use only

Bldg. T5637,
Fort Sill
Lawton Co: Comanche OK 73503–5100
Landholding Agency: Army
Property Number: 219330419
Status: Unutilized
Comment: 1606 sq. ft., 1-story, possible asbestos, most recent use—storage, off-site use only

Bldg. T4226,
Lawton Co: Comanche OK 73503–
Landholding Agency: Army
Property Number: 219440384
Status: Unutilized
Comment: 114 sq. ft., 1-story wood frame, possible asbestos and lead paint, most recent use—storage, off-site use only

Bldg. P–1015,
Fort Sill
Lawton Co: Comanche OK 73501–5100
Landholding Agency: Army
Property Number: 219520197
Status: Unutilized
Comment: 15402 sq. ft., 1-story, most recent use—storage, off-site use only

Bldg. T2648,
Fort Sill
2648 Tacy Street
Lawton Co: Comanche OK 73503–5100
Landholding Agency: Army
Property Number: 219540022
Status: Excess
Comment: 9407 sq. ft., 1-story wood frame, possible asbestos/lead paint, off-site removal only, most recent use—general purpose warehouse

Bldg. T2649,
Fort Sill
2649 Tacy Street
Lawton Co: Comanche OK 73503–5100
Landholding Agency: Army
Property Number: 219540024
Status: Excess
Comment: 9,374 sq. ft., 1-story wood frame, possible asbestos/lead paint, off-site removal only, most recent use—general storehouse

Bldg. T4036,
Fort Sill
4036 Currie Road
Lawton Co: Comanche OK 73503–5100
Landholding Agency: Army
Property Number: 219540034
Status: Excess
Comment: 4532 sq. ft., 1-story wood frame, possible asbestos/lead paint, off-site removal only, most recent use—classroom

Bldg. T–367, Fort Sill
Lawton Co: Comanche OK 73503–
Landholding Agency: Army
Property Number: 219610736
Status: Unutilized
Comment: 9370 sq. ft., possible asbestos, most recent use—storage, off-site use only

Bldg. P–366, Fort Sill
Lawton Co: Comanche OK 73503–
Landholding Agency: Army
Property Number: 219610740
Status: Unutilized
Comment: 483 sq. ft., possible asbestos, most recent use—storage, off-site use only

Bldg. P–1700
Fort Sill
Lawton Co: Comanche OK 73503–
Landholding Agency: Army
Property Number: 219620707
Status: Unutilized
Comment: 7574 sq. ft., most recent use—maint. shop/office, possible asbestos/lead paint, off-site use only

Building T–266
Fort Sill
Lawton Co: Comanche OK 73503–5100
Landholding Agency: Army
Property Number: 219710027
Status: Unutilized
Comment: 2,419 sq. ft., possible asbestos and leadpaint, most recent use—classroom, off-site use only

Building T–267
Fort Sill
Lawton Co: Comanche OK 73503–5100
Landholding Agency: Army
Property Number: 219710028
Status: Unutilized
Comment: 2,419 sq. ft., possible asbestos and leadpaint, most recent use—storage, off-site use only

Building T–598
Fort Sill
Lawton Co: Comanche OK 73503–5100
Landholding Agency: Army
Property Number: 219710029
Status: Unutilized
Comment: 744 sq. ft., possible asbestos and leadpaint, most recent use—storage, off-site use only

Building T–1601
Fort Sill
Lawton Co: Comanche OK 73503–5100
Landholding Agency: Army
Property Number: 219710032
Status: Unutilized
Comment: 5,258 sq. ft., possible asbestos and leadpaint, most recent use—chapel, off-site use only

Building P–1800
Fort Sill
Lawton Co: Comanche OK 73503–5100
Landholding Agency: Army
Property Number: 219710033
Status: Unutilized
Comment: 2,545 sq. ft., possible asbestos and leadpaint, most recent use—military equipment, off-site use only

Building P–1805
Fort Sill
Lawton Co: Comanche OK 73503–5100
Landholding Agency: Army
Property Number: 219710034
Status: Unutilized
Comment: 106 sq. ft., possible asbestos and leadpaint, most recent use—utility, off-site use only

Building P–1806
Fort Sill
Lawton Co: Comanche OK 73503–5100
Landholding Agency: Army
Property Number: 219710035
Status: Unutilized
Comment: 44 sq. ft., possible asbestos and leadpaint, most recent use—utility, off-site use only

Building T–1942
Fort Sill
Lawton Co: Comanche OK 73503–5100
Landholding Agency: Army
Property Number: 219710036
Status: Unutilized
Comment: 1,549 sq. ft., possible asbestos and leadpaint, most recent use—shop office, off-site use only

Building T–1960
Fort Sill
Lawton Co: Comanche OK 73503–5100
Landholding Agency: Army
Property Number: 219710037
Status: Unutilized
Comment: 10,309 sq. ft., possible asbestos and leadpaint, most recent use—storage, off-site use only

Building T–1961
Fort Sill
Lawton Co: Comanche OK 73503–5100
Landholding Agency: Army
Property Number: 219710038
Status: Unutilized
Comment: 7,128 sq. ft., possible asbestos and leadpaint, most recent use—storage, off-site use only

Building T–2035
Fort Sill
Lawton Co: Comanche OK 73503–5100
Landholding Agency: Army
Property Number: 219710039
Status: Unutilized
Comment: 18,157 sq. ft., possible asbestos and leadpaint, most recent use—storage, off-site use only

Building T–2181
Fort Sill
Lawton Co: Comanche OK 73503–5100
Landholding Agency: Army
Property Number: 219710040
Status: Unutilized
Comment: 2,805 sq. ft., possible asbestos and leadpaint, most recent use—office, off-site use only

Building T–2426
Fort Sill
Lawton Co: Comanche OK 73503–5100
Landholding Agency: Army
Property Number: 219710041
Status: Unutilized
Comment: 8,876 sq. ft., possible asbestos and leadpaint, most recent use—office/storage, off-site use only

Building T–2451
Fort Sill
Lawton Co: Comanche OK 73503–5100
Landholding Agency: Army
Property Number: 219710043
Status: Unutilized
Comment: 9,470 sq. ft., possible asbestos and leadpaint, most recent use—storage, off-site use only

Building T–2607
Fort Sill
Lawton Co: Comanche OK 73503–5100
Landholding Agency: Army
Property Number: 219710044
Status: Unutilized
Comment: 6,743 sq. ft., possible asbestos and leadpaint, most recent use—classroom, off-site use only

Building T–2608
Fort Sill
Lawton Co: Comanche OK 73503–5100
Landholding Agency: Army

Property Number: 219710045
Status: Unutilized
Comment: 6,737 sq. ft., possible asbestos and leadpaint, most recent use—classroom, off-site use only

Building T–2952
Fort Sill
Lawton Co: Comanche OK 73503–5100
Landholding Agency: Army
Property Number: 219710047
Status: Unutilized
Comment: 4,327 sq. ft., possible asbestos and leadpaint, most recent use—motor repair shop, off-site use only

Building T–2953
Fort Sill
Lawton Co: Comanche OK 73503–5100
Landholding Agency: Army
Property Number: 219710048
Status: Unutilized
Comment: 114 sq. ft., possible asbestos and leadpaint, most recent use—storehouse, off-site use only

Building T–3152
Fort Sill
Lawton Co: Comanche OK 73503–5100
Landholding Agency: Army
Property Number: 219710051
Status: Unutilized
Comment: 3,151 sq. ft., possible asbestos and leadpaint, most recent use—storage, off-site use only

Building T–3153
Fort Sill
Lawton Co: Comanche OK 73503–5100
Landholding Agency: Army
Property Number: 219710052
Status: Unutilized
Comment: 3,151 sq. ft., possible asbestos and leadpaint, most recent use—storage, off-site use only

Building T–3154
Fort Sill
Lawton Co: Comanche OK 73503–5100
Landholding Agency: Army
Property Number: 219710053
Status: Unutilized
Comment: 3,151 sq. ft., possible asbestos and leadpaint, most recent use—storage, off-site use only

Building T–3155
Fort Sill
Lawton Co: Comanche OK 73503–5100
Landholding Agency: Army
Property Number: 219710054
Status: Unutilized
Comment: 3,151 sq. ft., possible asbestos and leadpaint, most recent use—repair shop, off-site use only

Building T–4009
Fort Sill
Lawton Co: Comanche OK 73503–5100
Landholding Agency: Army
Property Number: 219710056
Status: Unutilized
Comment: 2,817 sq. ft., possible asbestos and leadpaint, most recent use—classroom, off-site use only

Building T–4010
Fort Sill
Lawton Co: Comanche OK 73503–5100
Landholding Agency: Army
Property Number: 219710057
Status: Unutilized
Comment: 2,815 sq. ft., possible asbestos and leadpaint, most recent use—office, off-site use only

Building T–4011
Fort Sill
Lawton Co: Comanche OK 73503–5100
Landholding Agency: Army
Property Number: 219710058
Status: Unutilized
Comment: 9,456 sq. ft., possible asbestos and leadpaint, most recent use—storage, off-site use only

Building T–4026
Fort Sill
Lawton Co: Comanche OK 73503–5100
Landholding Agency: Army
Property Number: 219710059
Status: Unutilized
Comment: 9,597 sq. ft., possible asbestos and leadpaint, most recent use—storage, off-site use only

Building T–4030
Fort Sill
Lawton Co: Comanche OK 73503–5100
Landholding Agency: Army
Property Number: 219710060
Status: Unutilized
Comment: 9,618 sq. ft., possible asbestos and leadpaint, most recent use—storage, off-site use only

Building T–4068
Fort Sill
Lawton Co: Comanche OK 73503–5100
Landholding Agency: Army
Property Number: 219710061
Status: Unutilized
Comment: 2,750 sq. ft., possible asbestos and leadpaint, most recent use—office, off-site use only

Building T–4069
Fort Sill
Lawton Co: Comanche OK 73503–5100
Landholding Agency: Army
Property Number: 219710062
Status: Unutilized
Comment: 2,750 sq. ft., possible asbestos and leadpaint, most recent use—office, off-site use only

Building T–4070
Fort Sill
Lawton Co: Comanche OK 73503–5100
Landholding Agency: Army
Property Number: 219710063
Status: Unutilized
Comment: 2,750 sq. ft., possible asbestos and leadpaint, most recent use—office, off-site use only

Building T–4468
Fort Sill
Lawton Co: Comanche OK 73503–5100
Landholding Agency: Army
Property Number: 219710064
Status: Unutilized
Comment: 2,262 sq. ft., possible asbestos and leadpaint, most recent use—barracks, off-site use only

Building P–5042
Fort Sill
Lawton Co: Comanche OK 73503–5100
Landholding Agency: Army
Property Number: 219710066
Status: Unutilized
Comment: 119 sq. ft., possible asbestos and leadpaint, most recent use—heatplant, off-site use only

Building T–5093
Fort Sill
Lawton Co: Comanche OK 73503–5100
Landholding Agency: Army
Property Number: 219710067
Status: Unutilized
Comment: 9,361 sq. ft., possible asbestos and leadpaint, most recent use—storage, off-site use only

6 Buildings
Fort Sill
Lawton Co: Comanche OK 73503–5100
Location: P–6449, S–6451, T–6452, P–6460, P–6463, S–6450
Landholding Agency: Army
Property Number: 219710085
Status: Unutilized
Comment: various sq. ft., possible asbestos and leadpaint, most recent use—range support, off-site use only

4 Buildings
Fort Sill
Lawton Co: Comanche OK 73503–5100
Location: T–6465, T–6466, T–6467, T–6468
Landholding Agency: Army
Property Number: 219710086
Status: Unutilized
Comment: various sq. ft., possible asbestos and leadpaint, most recent use—range support, off site use only

Building P–6539
Fort Sill
Lawton Co: Comanche OK 73503–5100
Landholding Agency: Army
Property Number: 219710087
Status: Unutilized
Comment: 1,483 sq. ft., possible asbestos and leadpaint, most recent use—office, off-site use only

Bldg. T–2751, Fort Sill
Lawton Co: Comanche OK 73503–5100
Landholding Agency: Army
Property Number: 219720209
Status: Unutilized
Comment: 19510 sq. ft., most recent use—admin., possible asbestos/lead paint, off-site use only

Bldg. T–205
Fort Sill
Lawton Co: Comanche OK 73503–5100
Landholding Agency: Army
Property Number: 219730343
Status: Unutilized
Comment: 95 sq. ft., possible asbestos/lead paint, most recent use—waiting shelter, off-site use only

Bldg. T–208
Fort Sill
Lawton Co: Comanche OK 73503–5100
Landholding Agency: Army
Property Number: 219730344
Status: Unutilized
Comment: 20525 sq. ft., possible asbestos/lead paint, most recent use—training center, off-site use only

Bldg. T–210
Fort Sill
Lawton Co: Comanche OK 73503–5100
Landholding Agency: Army
Property Number: 219730345
Status: Unutilized
Comment: 19,049 sq. ft., possible asbestos/lead paint, most recent use—admin., off-site use only

Bldg. T–214

Fort Sill
Lawton Co: Comanche OK 73503–5100
Landholding Agency: Army
Property Number: 219730346
Status: Unutilized
Comment: 6332 sq. ft., possible asbestos/lead paint, most recent use—training center, off-site use only

Bldgs. T–215, T–216
Fort Sill
Lawton Co: Comanche OK 73503–5100
Landholding Agency: Army
Property Number: 219730347
Status: Unutilized
Comment: 6300 sq. ft. each, possible asbestos/lead paint, most recent use—storage, off-site use only

Bldg. T–217
Fort Sill
Lawton Co: Comanche OK 73503–5100
Landholding Agency: Army
Property Number: 219730348
Status: Unutilized
Comment: 6394 sq. ft., possible asbestos/lead paint, most recent use—training center, off-site use only

Bldgs. T–219, T–220
Fort Sill
Lawton Co: Comanche OK 73503–5100
Landholding Agency: Army
Property Number: 219730349
Status: Unutilized
Comment: 152 sq. ft., possible asbestos/lead paint, most recent use—storage, off-site use only

Bldg. T–810
Fort Sill
Lawton Co: Comanche OK 73503–5100
Landholding Agency: Army
Property Number: 219730350
Status: Unutilized
Comment: 7205 sq. ft., possible asbestos/lead paint, most recent use—hay storage, off-site use only

Bldgs. T–837, T–839
Fort Sill
Lawton Co: Comanche OK 73503–5100
Landholding Agency: Army
Property Number: 219730351
Status: Unutilized
Comment: approx. 100 sq. ft. each possible asbestos/lead paint, most recent use—storage, off-site use only

Bldg. P–902
Fort Sill
Lawton Co: Comanche OK 73503–5100
Landholding Agency: Army
Property Number: 219730352
Status: Unutilized
Comment: 101 sq. ft., possible asbestos/lead paint, most recent use—storage, off-site use only

Bldg. P–934
Fort Sill
Lawton Co: Comanche OK 73503–5100
Landholding Agency: Army
Property Number: 219730353
Status: Unutilized
Comment: 402 sq. ft., possible asbestos/lead paint, most recent use—storage, off-site use only

Bldg. P–936
Fort Sill
Lawton Co: Comanche OK 73503–5100
Landholding Agency: Army
Property Number: 219730354
Status: Unutilized
Comment: 342 sq. ft., possible asbestos/lead paint, most recent use—office, off-site use only

Bldg. S–956
Fort Sill
Lawton Co: Comanche OK 73503–5100
Landholding Agency: Army
Property Number: 219730355
Status: Unutilized
Comment: 1602 sq. ft., possible asbestos/lead paint, most recent use—storage, off-site use only

Bldg. T–1177
Fort Sill
Lawton Co: Comanche OK 73503–5100
Landholding Agency: Army
Property Number: 219730356
Status: Unutilized
Comment: 183 sq. ft., possible asbestos/lead paint, most recent use—snack bar, off-site use only

Bldg. T–1468, T–1469
Fort Sill
Lawton Co: Comanche OK 73503–5100
Landholding Agency: Army
Property Number: 219730357
Status: Unutilized
Comment: 114 sq. ft., possible asbestos/lead paint, most recent use—storage, off-site use only

Bldg. T–1470
Fort Sill
Lawton Co: Comanche OK 73503–5100
Landholding Agency: Army
Property Number: 219730358
Status: Unutilized
Comment: 3120 sq. ft., possible asbestos/lead paint, most recent use—storage, off-site use only

Bldg. T–1508
Fort Sill
Lawton Co: Comanche OK 73503–5100
Landholding Agency: Army
Property Number: 219730359
Status: Unutilized
Comment: 3176 sq. ft., possible asbestos/lead paint, most recent use—storage, off-site use only

Bldg. T–1940
Fort Sill
Lawton Co: Comanche OK 73503–5100
Landholding Agency: Army
Property Number: 219730360
Status: Unutilized
Comment: 1400 sq. ft., possible asbestos/lead paint, most recent use—storage, off-site use only

Bldg. T–1944
Fort Sill
Lawton Co: Comanche OK 73503–5100
Landholding Agency: Army
Property Number: 219730361
Status: Unutilized
Comment: 449 sq. ft., possible asbestos/lead paint, off-site use only

Bldgs. T–1954, T–2022
Fort Sill
Lawton Co: Comanche OK 73503–5100
Landholding Agency: Army
Property Number: 219730362
Status: Unutilized
Comment: 100 sq. ft. each, possible asbestos/lead paint, most recent use—storage, off-site use only

Bldg. T–2180
Fort Sill
Lawton Co: Comanche OK 73503–5100
Landholding Agency: Army
Property Number: 219730363
Status: Unutilized
Comment: possible asbestos/lead paint, most recent use—vehicle maint. facility, off-site use only

Bldg. T–2184
Fort Sill
Lawton Co: Comanche OK 73503–5100
Landholding Agency: Army
Property Number: 219730364
Status: Unutilized
Comment: 454 sq. ft. possible asbestos/lead paint, most recent use—storage, off-site use only

Bldg. T–2185
Fort Sill
Lawton Co: Comanche OK 73503–5100
Landholding Agency: Army
Property Number: 219730365
Status: Unutilized
Comment: 151 sq. ft. possible asbestos/lead paint, most recent use—fuel storage, off-site use only

Bldgs. T–2186, T–2188, T–2189
Fort Sill
Lawton Co: Comanche OK 73503–5100
Landholding Agency: Army
Property Number: 219730366
Status: Unutilized
Comment: 1656–3583 sq. ft. possible asbestos/lead paint, most recent use—vehicle maint. shop, off-site use only

Bldg. T–2187
Fort Sill
Lawton Co: Comanche OK 73503–5100
Landholding Agency: Army
Property Number: 219730367
Status: Unutilized
Comment: 1673 sq. ft. possible asbestos/lead paint, most recent use—storage, off-site use only

Bldg. T–2209
Fort Sill
Lawton Co: Comanche OK 73503–5100
Landholding Agency: Army
Property Number: 219730368
Status: Unutilized
Comment: 1257 sq. ft. possible asbestos/lead paint, most recent use—storage, off-site use only

Bldgs. T–2240, T–2241
Fort Sill
Lawton Co: Comanche OK 73503–5100
Landholding Agency: Army
Property Number: 219730369
Status: Unutilized
Comment: 9500 sq. ft. possible asbestos/lead paint, most recent use—storage, off-site use only

Bldgs. T–2262, T–2263
Fort Sill
Lawton Co: Comanche OK 73503–5100
Landholding Agency: Army
Property Number: 219730370
Status: Unutilized
Comment: Approx. 3100 sq. ft. possible asbestos/lead paint, most recent use—maint. shop, off-site use only

Bldgs. T–2271, T–2272
Fort Sill
Lawton Co: Comanche OK 73503–5100
Landholding Agency: Army
Property Number: 219730371
Status: Unutilized
Comment: 232 sq. ft. possible asbestos/lead paint, most recent use—storage, off-site use only

Bldgs. T–2291 thru T–2296
Fort Sill
Lawton Co: Comanche OK 73503–5100
Landholding Agency: Army
Property Number: 219730372
Status: Unutilized
Comment: 400 sq. ft., each, possible asbestos/lead paint, most recent use—storage, off-site use only

5 Bldgs.
Fort Sill
T–2300, T–2301, T–2303, T–2306, T–2307
Lawton Co: Comanche OK 73503–5100
Landholding Agency: Army
Property Number: 219730373
Status: Unutilized
Comment: various sq. ft., possible asbestos/lead paint, most recent use—storage, off-site use only

Bldg. T–2406
Fort Sill
Lawton Co: Comanche OK 73503–5100
Landholding Agency: Army
Property Number: 219730374
Status: Unutilized
Comment: 114 sq. ft., possible asbestos/lead paint, most recent use—storage, off-site use only

4 Bldgs.
Fort Sill
#T–2427, T–2431, T–2433, T–2449
Lawton Co: Comanche OK 73503–5100
Landholding Agency: Army
Property Number: 219730375
Status: Unutilized
Comment: various sq. ft., each, possible asbestos/lead paint, most recent use—storage, off-site use only

3 Bldgs.
Fort Sill
#T–2430, T–2432, T–2435
Lawton Co: Comanche OK 73503–5100
Landholding Agency: Army
Property Number: 219730376
Status: Unutilized
Comment: approx. 8900 sq. ft., possible asbestos/lead paint, most recent use—office, off-site use only

Bldg. T–2434
Fort Sill
Lawton Co: Comanche OK 73503–5100
Landholding Agency: Army
Property Number: 219730377
Status: Unutilized
Comment: 8997 sq. ft., possible asbestos/lead paint, most recent use—vehicle maint. shop, off-site use only

Bldg. T–2606
Fort Sill
Lawton Co: Comanche OK 73503–5100
Landholding Agency: Army
Property Number: 219730378
Status: Unutilized
Comment: 3850 sq. ft., possible asbestos/lead paint, most recent use—storage, off-site use only

T–2746
Fort Sill
Lawton Co: Comanche OK 73503–5100
Landholding Agency: Army
Property Number: 219730379
Status: Unutilized
Comment: 4105 sq. ft., possible asbestos/lead paint, most recent use—barracks, off-site use only

Bldgs. T–2800, T–2809, T–2810
Fort Sill
Lawton Co: Comanche OK 73503–5100
Landholding Agency: Army
Property Number: 219730380
Status: Unutilized
Comment: approx. 19,000 sq. ft., possible asbestos/lead paint, most recent use—storage, off-site use only

Bldg. T–2922
Fort Sill
Lawton Co: Comanche OK 73503–5100
Landholding Agency: Army
Property Number: 219730381
Status: Unutilized
Comment: 3842 sq. ft., possible asbestos/lead paint, most recent use—chapel, off-site use only

Bldgs. T–2963, T–2964, T–2965
Fort Sill
Lawton Co: Comanche OK 73503–5100
Landholding Agency: Army
Property Number: 219730382
Status: Unutilized
Comment: approx. 3000 sq. ft., possible asbestos/lead paint, most recent use—maint. shop, off-site use only

Bldgs. T–3001, T–3006
Fort Sill
Lawton Co: Comanche OK 73503–5100
Landholding Agency: Army
Property Number: 219730383
Status: Unutilized
Comment: approx. 9300 sq. ft., possible asbestos/lead paint, most recent use—storage, off-site use only

Bldg. T–3025
Fort Sill
Lawton Co: Comanche OK 73503–5100
Landholding Agency: Army
Property Number: 219730384
Status: Unutilized
Comment: 5259 sq. ft., possible asbestos/lead paint, most recent use—museum, off-site use only

Bldg. T–3314
Fort Sill
Lawton Co: Comanche OK 73503–5100
Landholding Agency: Army
Property Number: 219730385
Status: Unutilized
Comment: 229 sq. ft., possible asbestos/lead paint, most recent use—office, off-site use only

Bldgs. T–3318, T–3324, T–3327
Fort Sill
Lawton Co: Comanche OK 73503–5100
Landholding Agency: Army
Property Number: 219730386
Status: Unutilized
Comment: 8832–9048 sq. ft., possible asbestos/lead paint, most recent use—storage, off-site use only

Bldg. T–3323
Fort Sill
Lawton Co: Comanche OK 73503–5100
Landholding Agency: Army
Property Number: 219730387
Status: Unutilized
Comment: 8832 sq. ft., possible asbestos/lead paint, most recent use—office, off-site use only

Bldg. T–3328
Fort Sill
Lawton Co: Comanche OK 73503–5100
Landholding Agency: Army
Property Number: 219730388
Status: Unutilized
Comment: 9030 sq. ft., possible asbestos/lead paint, most recent use—refuse, off-site use only

Bldgs. T–4021, T–4022
Fort Sill
Lawton Co: Comanche OK 73503–5100
Landholding Agency: Army
Property Number: 219730389
Status: Unutilized
Comment: 442–869 sq. ft., possible asbestos/lead paint, most recent use—storage, off-site use only

Bldg. T–4065
Fort Sill
Lawton Co: Comanche OK 73503–5100
Landholding Agency: Army
Property Number: 219730390
Status: Unutilized
Comment: 3145 sq. ft., possible asbestos/lead paint, most recent use—maint. shop, off-site use only

Bldg. T–4067
Fort Sill
Lawton Co: Comanche OK 73503–5100
Landholding Agency: Army
Property Number: 219730391
Status: Unutilized
Comment: 1032 sq. ft., possible asbestos/lead paint, most recent use—storage, off-site use only

Bldg. T–4281
Fort Sill
Lawton Co: Comanche OK 73503–5100
Landholding Agency: Army
Property Number: 219730392
Status: Unutilized
Comment: 9405 sq. ft., possible asbestos/lead paint, most recent use—storage, off-site use only

Bldgs. T–4401, T–4402
Fort Sill
Lawton Co: Comanche OK 73503–5100
Landholding Agency: Army
Property Number: 219730393
Status: Unutilized
Comment: 2260 sq. ft., possible asbestos/lead paint, most recent use—office, off-site use only

5 Bldgs.
Fort Sill
#T–4403 thru T–4406, T–4408
Lawton Co: Comanche OK 73503–5100
Landholding Agency: Army
Property Number: 219730394
Status: Unutilized
Comment: 2263 sq. ft., possible asbestos/lead paint, most recent use—barracks, off-site use only

Bldg. T–4407
Fort Sill
Lawton Co: Comanche OK 73503–5100

Landholding Agency: Army
Property Number: 219730395
Status: Unutilized
Comment: 3070 sq. ft., possible asbestos/lead paint, most recent use—dining facility, off-site use only

4 Bldgs.
Fort Sill
#T–4410, T–4414, T–4415, T–4418
Lawton Co: Comanche OK 73503–5100
Landholding Agency: Army
Property Number: 219730396
Status: Unutilized
Comment: 1311 sq. ft., possible asbestos/lead paint, most recent use—office, off-site use only

5 Bldgs.
Fort Sill
#T–4411 thru T–4413, T–4416 thru T–4417
Lawton Co: Comanche OK 73503–5100
Landholding Agency: Army
Property Number: 219730397
Status: Unutilized
Comment: 1244 sq. ft., possible asbestos/lead paint, most recent use—showers, off-site use only

Bldg. T–4421
Fort Sill
Lawton Co: Comanche OK 73503–5100
Landholding Agency: Army
Property Number: 219730398
Status: Unutilized
Comment: 3070 sq. ft., possible asbestos/lead paint, most recent use—dining, off-site use only

10 Bldgs.
Fort Sill
#T–4422 thru T–4427, T–4431 thru T–4434
Lawton Co: Comanche OK 73503–5100
Landholding Agency: Army
Property Number: 219730399
Status: Unutilized
Comment: 2263 sq. ft., possible asbestos/lead paint, most recent use—barracks, off-site use only

6 Bldgs.
Fort Sill
Lawton Co: Comanche OK 73503–5100
Location: #T–4436, T–4440, T–4444, T–4445, T–4448, T–4449
Landholding Agency: Army
Property Number: 219730400
Status: Unutilized
Comment: 1311—2263 sq. ft., possible asbestos/lead paint, most recent use—office, off-site use only

5 Bldgs.
Fort Sill
Lawton Co: Comanche OK 73503–5100
Location: #T–4441, T–4442, T–4443, T–4446, T–4447
Landholding Agency: Army
Property Number: 219730401
Status: Unutilized
Comment: 1244 sq. ft., possible asbestos/lead paint, most recent use—showers, off-site use only

3 Bldgs.
Fort Sill
Lawton Co: Comanche OK 73503–5100
Location: #T–4451, T–4460, T–4481
Landholding Agency: Army
Property Number: 219730402
Status: Unutilized
Comment: various sq. ft., possible asbestos/lead paint, most recent use—dining, off-site use only

12 Bldgs.
Fort Sill
Lawton Co: Comanche OK 73503–5100
Location: #T–4454, T–4455, T–4457, T–4462, T–4464, T–4465,T–4466, T–4482, T–4483, T–4484, T–4485, T–4486
Landholding Agency: Army
Property Number: 219730403
Status: Unutilized
Comment: 2263 sq. ft., possible asbestos/lead paint, most recent use—barracks, off-site use only

Bldgs. T–4461, T–4479
Fort Sill
Lawton Co: Comanche OK 73503–5100
Landholding Agency: Army
Property Number: 219730404
Status: Unutilized
Comment: 2265 sq. ft., possible asbestos/lead paint, most recent use—dayroom, off-site use only

5 Bldgs.
Fort Sill
Lawton Co: Comanche OK 73503–5100
Location: #T–4469, T–4470, T–4475, T–4478, T–4480
Landholding Agency: Army
Property Number: 219730405
Status: Unutilized
Comment: 1311—2265 sq. ft., possible asbestos/lead paint, most recent use—office, off-site use only

4 Bldgs.
Fort Sill
Lawton Co: Comanche OK 73503–5100
Location: #T–4471, T–4472, T–4473, T–4477
Landholding Agency: Army
Property Number: 219730406
Status: Unutilized
Comment: approx. 1244 sq. ft., possible asbestos/lead paint, most recent use—showers, off-site use only

Bldgs. T–4707
Fort Sill
Lawton Co: Comanche OK 73503–5100
Landholding Agency: Army
Property Number: 219730407
Status: Unutilized
Comment: 160 sq. ft., possible asbestos/lead paint, most recent use—waiting shelter, off-site use only

Bldg. T–5005
Fort Sill
Lawton Co: Comanche OK 73503–5100
Landholding Agency: Army
Property Number: 219730408
Status: Unutilized
Comment: 3206 sq. ft., possible asbestos/lead paint, most recent use—storage, off-site use only

Bldg. T–5041
Fort Sill
Lawton Co: Comanche OK 73503–5100
Landholding Agency: Army
Property Number: 219730409
Status: Unutilized
Comment: 763 sq. ft., possible asbestos/lead paint, most recent use—storage, off-site use only

Bldgs. T–5044, T–5045
Fort Sill
Lawton Co: Comanche OK 73503–5100
Landholding Agency: Army
Property Number: 219730410
Status: Unutilized
Comment: 1798/1806 sq. ft., possible asbestos/lead paint, most recent use—class rooms, off-site use only

4 Bldgs.
Fort Sill
Lawton Co: Comanche OK 73503–5100
Location: #T–5046, T–5047, T–5048, T–5049,
Landholding Agency: Army
Property Number: 219730411
Status: Unutilized
Comment: various sq. ft., possible asbestos/lead paint, most recent use—office, off-site use only

Bldg. T–5094
Fort Sill
Lawton Co: Comanche OK 73503–5100
Landholding Agency: Army
Property Number: 219730412
Status: Unutilized
Comment: 3204 sq. ft., possible asbestos/lead paint, most recent use—maint. shop, off-site use only

Bldg. T–5095
Fort Sill
Lawton Co: Comanche OK 73503–5100
Landholding Agency: Army
Property Number: 219730413
Status: Unutilized
Comment: 3223 sq. ft., possible asbestos/lead paint, most recent use—storage, off-site use only

Bldg. T–5420
Fort Sill
Lawton Co: Comanche OK 73503–5100
Landholding Agency: Army
Property Number: 219730414
Status: Unutilized
Comment: 189 sq. ft., possible asbestos/lead paint, most recent use—fuel storage, off-site use only

Bldg. T–5595
Fort Sill
Lawton Co: Comanche OK 73503–5100
Landholding Agency: Army
Property Number: 219730415
Status: Unutilized
Comment: 695 sq. ft., possible asbestos/lead paint, most recent use—office, off-site use only

Bldg. T–5639
Fort Sill
Lawton Co: Comanche OK 73503–5100
Landholding Agency: Army
Property Number: 219730416
Status: Unutilized
Comment: 10,720 sq. ft., possible asbestos/lead paint, most recent use—office, off-site use only

Bldgs. T–7290, T–7291
Fort Sill
Lawton Co: Comanche OK 73503–5100
Landholding Agency: Army
Property Number: 219730417
Status: Unutilized
Comment: 224/840 sq. ft., possible asbestos/lead paint, most recent use—kennel, off-site use only

Bldgs. T–7701, T–7703
Fort Sill
Lawton Co: Comanche OK 73503–5100

Landholding Agency: Army
Property Number: 219730418
Status: Unutilized
Comment: 1706/1650 sq. ft., possible asbestos/lead paint, most recent use—storage, off-site use only

Bldg. T–7775
Fort Sill
Lawton Co: Comanche OK 73503–5100
Landholding Agency: Army
Property Number: 219730419
Status: Unutilized
Comment: 1452 sq. ft., possible asbestos/lead paint, most recent use—private club, off-site use only

Bldg. P–901
Fort Sill
Lawton Co: Comanche OK 73503–5100
Landholding Agency: Army
Property Number: 219740334
Status: Unutilized
Comment: 101 sq. ft., concrete, most recent use—storage, off-site use only

Pennsylvania

Bldg. T–3–52
Fort Indiantown Gap
Annville Co: Lebanon PA 17003–5000
Landholding Agency: Army
Property Number: 219740335
Status: Unutilized
Comment: 2290 sq. ft., most recent use—dining, off-site use only

Bldg. T–3–86
Fort Indiantown Gap
Annville Co: Lebanon PA 17003–5000
Landholding Agency: Army
Property Number: 219740336
Status: Unutilized
Comment: 4720 sq. ft., most recent use—barracks, off-site use only

Bldg. T–3–87
Fort Indiantown Gap
Annville Co: Lebanon PA 17003–5000
Landholding Agency: Army
Property Number: 219740337
Status: Unutilized
Comment: 1144 sq. ft., most recent use—classroom, off-site use only

Bldg. T–4–3
Fort Indiantown Gap
Annville Co: Lebanon PA 17003–5000
Landholding Agency: Army
Property Number: 219740338
Status: Unutilized
Comment: 1750 sq. ft., most recent use—admin., off-site use only

South Carolina

Bldg. 5412
Fort Jackson
Ft. Jackson Co: Richland SC 29207–
Landholding Agency: Army
Property Number: 219510139
Status: Excess
Comment: 3900 sq. ft., 1-story, wood frame, needs rehab, most recent use, admin., off-site use only

Bldg. 3499
Fort Jackson
Ft. Jackson Co: Richland SC 29207–
Landholding Agency: Army
Property Number: 219730310
Status: Unutilized
Comment: 3724 sq. ft., needs repair, most recent use use—admin

Bldg. E4831
Fort Jackson
Ft. Jackson Co: Richland SC 29207–
Landholding Agency: Army
Property Number: 219730311
Status: Unutilized
Comment: 272 sq. ft., needs repair, most recent use—storage

Bldg. 5418
Fort Jackson
Ft. Jackson Co: Richland SC 29207–
Landholding Agency: Army
Property Number: 219730312
Status: Unutilized
Comment: 3900 sq. ft., needs repair, most recent use—admin.

Bldg. G7357
Fort Jackson
Ft. Jackson Co: Richland SC 29207–
Landholding Agency: Army
Property Number: 219730313
Status: Unutilized
Comment: 49 sq. ft., most recent use—range bldg.

Bldg. H7471
Fort Jackson
Ft. Jackson Co: Richland SC 29207–
Landholding Agency: Army
Property Number: 219730314
Status: Unutilized
Comment: 144 sq. ft., most recent use—range bldg.

Texas

Bldg. P–3824, Fort Sam Houston
San Antonio Co: Bexar TX 78234–5000
Landholding Agency: Army
Property Number: 219220398
Status: Unutilized
Comment: 2232 sq. ft., 1-story concrete structure, within National Landmark Historic District, off-site removal only.

Bldg. P–377, Fort Sam Houston
San Antonio Co: Bexar TX 78234–5000
Landholding Agency: Army
Property Number: 219330444
Status: Unutilized
Comment: 74 sq. ft., 1-story brick, needs rehab, most recent use–scale house, located in National Historic District, off-site use only

Bldg. T–5901
Fort Sam Houston
San Antonio Co: Bexar TX 78234–5000
Landholding Agency: Army
Property Number: 219330486
Status: Unutilized
Comment: 742 sq. ft., 1-story wood frame, most recent use—admin., off-site use only.

Bldg. 4480, Fort Hood
Ft. Hood Co: Bell TX 76544–
Landholding Agency: Army
Property Number: 219410322
Status: Unutilized
Comment: 2160 sq. ft., 1-story, most recent use—storage, off-site use only

Bldg. P–452
Fort Sam Houston
San Antonio Co: Bexar TX 78234–5000
Landholding Agency: Army
Property Number: 219440449
Status: Excess
Comment: 600 sq. ft., 1 story stucco frame, lead paint, off-site removal only, most recent use—bath house

Bldg. P–6615
Fort Sam Houston
San Antonio Co: Bexar TX 78234–5000
Landholding Agency: Army
Property Number: 219440454
Status: Excess
Comment: 400 sq. ft., 1 story concrete frame, off-site removal only most recent use—detached garage

Bldg. 4201, Fort Hood
Ft. Hood Co: Bell TX 76544–
Landholding Agency: Army
Property Number: 219520201
Status: Unutilized
Comment: 9000 sq. ft., 1-story, off-site use only

Bldg. 4202, Fort Hood
Ft. Hood Co: Bell TX 76544–
Landholding Agency: Army
Property Number: 219520202
Status: Unutilized
Comment: 5400 sq. ft., 1-story, most recent use—storage, off-site use only

Bldg. P–1030
Fort Sam Houston
San Antonio Co: Bexar TX 78234–5000
Landholding Agency: Army
Property Number: 219520203
Status: Excess
Comment: 8212 sq. ft., 1-story, most recent use—storage, presence of asbestos & lead base paint, located in Historic District, off-site use only

Bldg. 439
Fort Hood
Ft. Hood Co: Coryell TX 76544–
Landholding Agency: Army
Property Number: 219610754
Status: Unutilized
Comment: 3983 sq. ft., needs rehab, most recent use—admin., off-site use only

Bldg. 2046
Fort Hood
Ft. Hood Co: Coryell TX 76544–
Landholding Agency: Army
Property Number: 219610757
Status: Unutilized
Comment: 2700 sq. ft., needs rehab, most recent use—storage, off-site use only

Bldg. P–197
Fort Sam Houston
San Antonio Co: Bexar TX 78234–5000
Landholding Agency: Army
Property Number: 219640220
Status: Unutilized
Comment: 13819 sq. ft., presence of asbestos/lead paint, most recent use—admin., off-site use only

Bldg. T–230
Fort Sam Houston
San Antonio Co: Bexar TX 78234–5000
Landholding Agency: Army
Property Number: 219640221
Status: Unutilized
Comment: 18102 sq. ft., presence of asbestos/lead paint, most recent use—printing plant and shop, off-site use only

Bldg. P–606B
Fort Sam Houston
San Antonio Co: Bexar TX 78234–5000
Landholding Agency: Army
Property Number: 219640223
Status: Unutilized
Comment: 1296 sq. ft., presence of asbestos/lead paint, off-site use only

Bldg. P–607
Fort Sam Houston
San Antonio Co: Bexar TX 78234–5000
Landholding Agency: Army
Property Number: 219640224
Status: Unutilized
Comment: 12610 sq. ft., presence of asbestos/lead paint, most recent use—admin/classroom, off-site use only

Bldg. P–608
Fort Sam Houston
San Antonio Co: Bexar TX 78234–5000
Landholding Agency: Army
Property Number: 219640225
Status: Unutilized
Comment: 12676 sq. ft., presence of asbestos/lead paint, most recent use—admin/classroom, off-site use only

Bldg. P–608A
Fort Sam Houston
San Antonio Co: Bexar TX 78234–5000
Landholding Agency: Army
Property Number: 219640226
Status: Unutilized
Comment: 2914 sq. ft., presence of asbestos/lead paint, most recent use—admin/classroom, off-site use only

Bldg. P–1000
Fort Sam Houston
San Antonio Co: Bexar TX 78234–5000
Landholding Agency: Army
Property Number: 219640227
Status: Unutilized
Comment: 226374 sq. ft., presence of asbestos/lead paint, historic property, most recent use—hospital/medical center

Bldg. P–2270
Fort Sam Houston
San Antonio Co: Bexar TX 78234–5000
Landholding Agency: Army
Property Number: 219640230
Status: Unutilized
Comment: 14622 sq. ft., 2-story, historic bldg., presence of asbestos/lead paint, most recent use—auditorium

Bldg. S–3898
Fort Sam Houston
San Antonio Co: Bexar TX 78234–5000
Landholding Agency: Army
Property Number: 219640235
Status: Unutilized
Comment: 4200 sq. ft., presence of asbestos/lead paint, most recent use—classroom, off-site use only

Bldg. S–3899
Fort Sam Houston
San Antonio Co: Bexar TX 78234–5000
Landholding Agency: Army
Property Number: 219640236
Status: Unutilized
Comment: 4200 sq. ft., presence of asbestos/lead paint, most recent use—classroom, off-site use only

Bldg. P–4190
Fort Sam Houston
San Antonio Co: Bexar TX 78234–5000
Landholding Agency: Army
Property Number: 219640237
Status: Unutilized
Comment: 88067 sq. ft., historic bldg., presence of asbestos/lead paint, most recent use—admin/warehouse

Bldg. P–5126
Fort Sam Houston
San Antonio Co: Bexar TX 78234–5000
Landholding Agency: Army
Property Number: 219640240
Status: Unutilized
Comment: 189 sq. ft., off-site use only

Bldg. P–6201
Fort Sam Houston
San Antonio Co: Bexar TX 78234–5000
Landholding Agency: Army
Property Number: 219640241
Status: Unutilized
Comment: 3003 sq. ft., presence of asbestos/lead paint, most recent use—officers family quarters, off-site use only

Bldg. P–6202
Fort Sam Houston
San Antonio Co: Bexar TX 78234–5000
Landholding Agency: Army
Property Number: 219640242
Status: Unutilized
Comment: 1479 sq. ft., presence of lead paint, most recent use—officers family quarters, off-site use only

Bldg. P–6203
Fort Sam Houston
San Antonio Co: Bexar TX 78234–5000
Landholding Agency: Army
Property Number: 219640243
Status: Unutilized
Comment: 1381 sq. ft., presence of lead paint, most recent use—military family quarters, off-site use only

Bldg. P–6204
Fort Sam Houston
San Antonio Co: Bexar TX 78234–5000
Landholding Agency: Army
Property Number: 219640244
Status: Unutilized
Comment: 1454 sq. ft., presence of asbestos/lead paint, most recent use—military family quarters, off-site use only

Bldg. 7137, Fort Bliss
El Paso Co: El Paso TX 79916–
Landholding Agency Co: Army
Property Number: 219640564
Status: Unutilized
Comment: 35,736 sq. ft., 3-story, most recent use—housing, off-site use only

Building 4630
Fort Hood
Fort Hood Co: Bell TX 76544–
Landholding Agency: Army
Property Number: 219710088
Status: Unutilized
Comment: 21,833 sq. ft., most recent use—Admin., off-site use only

Bldg. P–4224
Fort Sam Houston
San Antonio Co: Bexar TX 78234–5000
Landholding Agency: Army
Property Number: 219720213
Status: Excess
Comment: 293 sq. ft., concrete, possible lead based paint, off-site use only

Bldg. T–330
Fort Sam Houston
San Antonio Co: Bexar TX 78234–5000
Landholding Agency: Army
Property Number: 219730315
Status: Unutilized
Comment: 59,149 sq. ft., presence of asbestos/lead paint, historial category, most recent use—laundry, off-site use only

Bldg. P–605A & P–606A
Fort Sam Houston
San Antonio Co: Bexar TX 78324–5000
Landholding Agency: Army
Property Number: 219730316
Status: Unutilized
Comment: 2418 sq. ft., poor condition, presence of asbestos/lead paint, historical category, most recent use—indoor firing range, off-site use only

Bldg. S–1150
Fort Sam Houston
San Antonio Co: Bexar TX 78234–5000
Landholding Agency: Army
Property Number: 219730317
Status: Unutilized
Comment: 8629 sq. ft., presence of asbestos/lead paint, most recent use—instruction bldg., off-site use only

Bldg. S–1440—S–1446, S–1452
Fort Sam Houston
San Antonio Co: Bexar TX 78234–5000
Landholding Agency Co: Army
Property Number: 219730318
Status: Unutilized
Comment: 4200 sq. ft., presence of lead, most recent use—instruction bldgs., off-site use only

4 Bldg.
Fort Sam Houston
#S–1447, S–1449, S–1450, S–1451
San Antonio Co: Bexar TX 78234–5000
Landholding Agency Co: Army
Property Number: 219730319
Status: Unutilized
Comment: 4200 sq. ft., presence of asbestos/lead paint, most recent use—instruction bldgs., off-site use only

Bldg. P–3500
Fort Sam Houston
San Antonio Co: Bexar TX 78234–5000
Landholding Agency Co: Army
Property Number: 219730320
Status: Unutilized
Comment: 13,921 sq. ft., poor condition, presence of asbestos/lead paint, most recent use—support of firing range, off-site use only

Bldg. T–3551
Fort Sam Houston
San Antonio Co: Bexar TX 78234–5000
Landholding Agency: Army
Property Number: 219730321
Status: Unutilized
Comment: 992 sq. ft., presence of asbestos/lead paint, most recent use—maint. shop, off-site use only

Bldg. T–3552
Fort Sam Houston
San Antonio Co: Bexar TX 78234–5000
Landholding Agency: Army
Property Number: 219730322
Status: Unutilized
Comment: 992 sq. ft., poor condition, presence of asbestos/lead paint, most recent use—storage shed, off-site use only

Bldg. T–3553
Fort Sam Houston
San Antonio Co: Bexar TX 78234–5000
Landholding Agency: Army
Property Number: 219730323
Status: Unutilized
Comment: 992 sq. ft., poor condition, presence of asbestos/lead paint, most recent use—storage shed, off-site use only

Bldg. T–3554

Fort Sam Houston
San Antonio Co: Bexar TX 78234–5000
Landholding Agency: Army
Property Number: 219730324
Status: Unutilized
Comment: 18803 sq. ft., poor condition, presence of asbestos/lead paint, most recent use—storage shed, off-site use only

Bldg. T–3556
Fort Sam Houston
San Antonio Co: Bexar TX 78234–5000
Landholding Agency: Army
Property Number: 219730325
Status: Unutilized
Comment: 1300 sq. ft., poor condition, presence of asbestos/lead paint, most recent use—storage shed, off-site use only

Bldg. T–3557
Fort Sam Houston
San Antonio Co: Bexar TX 78234–5000
Landholding Agency: Army
Property Number: 219730326
Status: Unutilized
Comment: 992 sq. ft., poor condition, presence of asbestos/lead paint, most recent use—stable, off-site use only

Bldg. P–4115
Fort Sam Houston
San Antonio Co: Bexar TX 78234–5000
Landholding Agency: Army
Property Number: 219730327
Status: Unutilized
Comment: 529 sq. ft., presence of asbestos/lead paint, historic bldg., most recent use—admin., off-site use only

Bldg. 4205
Fort Sam Houston
San Antonio Co: Bexar TX 78234–5000
Landholding Agency: Army
Property Number: 219730328
Status: Unutilized
Comment: 24,573 sq. ft., presence of asbestos/lead paint, most recent use—warehouse, off-site use only

Bldg. T–5112
Fort Sam Houston
San Antonio Co: Bexar TX 78234–5000
Landholding Agency: Army
Property Number: 219730329
Status: Unutilized
Comment: 3663 sq. ft., presence of asbestos/lead paint, historical category, most recent use—post exchange, off-site use only

Bldg. T–5113
Fort Sam Houston
San Antonio Co: Bexar TX 78234–5000
Landholding Agency: Army
Property Number: 219730330
Status: Unutilized
Comment: 2550 sq. ft., presence of asbestos/lead paint, historical bldg., most recent use—medical clinic, off-site use only

Bldg. T–5122
Fort Sam Houston
San Antonio Co: Bexar TX 78234–5000
Landholding Agency: Army
Property Number: 219730331
Status: Unutilized
Comment: 3602 sq. ft., presence of asbestos/lead paint, historical category, most recent use—instruction bldg., off-site use only

Bldg. T–5903
Fort Sam Houston
San Antonio Co: Bexar TX 78234–5000
Landholding Agency: Army
Property Number: 219730332
Status: Unutilized
Comment: 5200 sq. ft., presence of asbestos/lead paint, historical category, most recent use—admin., off-site use only

Bldg. T–5907
Fort Sam Houston
San Antonio Co: Bexar TX 78234–5000
Landholding Agency: Army
Property Number: 219730333
Status: Unutilized
Comment: 570 sq. ft., presence of asbestos/lead paint, historical category, most recent use—admin., off-site use only

Bldg. P–6271
Fort Sam Houston
San Antonio Co: Bexar TX 78234–5000
Landholding Agency: Army
Property Number: 219730334
Status: Unutilized
Comment: 291 sq. ft., presence of asbestos/lead paint, most recent use—pump station, off-site use only

Bldg. T–6284
Fort Sam Houston
San Antonio Co: Bexar TX 78234–5000
Landholding Agency: Army
Property Number: 219730335
Status: Unutilized
Comment: 120 sq. ft., presence of lead paint, most recent use—pump station, off-site use only

Bldg. T–5906
Fort Sam Houston
San Antonio Co: Bexar TX 78234–5000
Landholding Agency: Army
Property Number: 219730420
Status: Unutilized
Comment: 570 sq. ft., presence of asbestos/lead paint, most recent use—admin., off-site use only

Bldg. 1020
Fort Bliss
El Paso Co: El Paso TX 79916–
Landholding Agency: Army
Property Number: 219740339
Status: Unutilized
Comment: 1505 sq. ft., concrete block, most recent use—hdgts. bldg. off-site use only

Bldg. 2518
Fort Bliss
El Paso Co: El Paso TX 79916–
Landholding Agency: Army
Property Number: 219740340
Status: Unutilized
Comment: 15,078 sq. ft., needs major rehab, presence of lead paint, most recent use—vehicle maint. shop, off-site use only

68 Bldgs. (4000 series)
Fort Bliss
Enlisted Unaccompanied Personnel Housing
El Paso Co: El Paso TX 79916–
Landholding Agency: Army
Property Number: 219740341
Status: Unutilized
Comment: 4800 sq. ft. each, concrete block, most recent use—housing, off-site use only

Bldg. 4255
Fort Bliss
El Paso Co: El Paso TX 79916–
Landholding Agency: Army
Property Number: 219740342
Status: Unutilized
Comment: 2880 sq. ft., concrete block, most recent use—dining facility, off-site use only

Bldg. 4258
Fort Bliss
El Paso Co: El Paso TX 79916–
Landholding Agency: Army
Property Number: 219740343
Status: Unutilized
Comment: 750 sq. ft., metal shelter, most recent use—covered training area, off-site use only

Bldg. 4574
Fort Bliss
El Paso Co: El Paso TX 79916–
Landholding Agency: Army
Property Number: 219740344
Status: Unutilized
Comment: 11,215 sq. ft., concrete block, most recent use—dining facility, off-site use only

Bldg. 4575
Fort Bliss
El Paso Co: El Paso TX 79916–
Landholding Agency: Army
Property Number: 219740345
Status: Unutilized
Comment: 8904 sq. ft., metal shelter, most recent use—covered training area, off-site use only

Bldg. 4591
Fort Bliss
El Paso Co: El Paso TX 79916–
Landholding Agency: Army
Property Number: 219740346
Status: Unutilized
Comment: 3094 sq. ft., concrete block, most recent use—hdqts. bldg. off-site use only

Bldg. 4674
Fort Bliss
El Paso Co: El Paso TX 79916–
Landholding Agency: Army
Property Number: 219740347
Status: Unutilized
Comment: 11,217 sq. ft., concrete block, most recent use—dining facility, off-site use only

Bldgs. 4880–4882, 4884–4890
Fort Bliss
El Paso Co: El Paso TX 79916–
Landholding Agency: Army
Property Number: 219740348
Status: Unutilized
Comment: various sq. ft., metal frame, most recent use—instruction bldg., off-site use only

Bldg. 4973
Fort Bliss
El Paso Co: El Paso TX 79916–
Landholding Agency: Army
Property Number: 219740349
Status: Unutilized
Comment: 11,052 sq. ft., concrete block, most recent use—dining facility, off-site use only

Bldg. 4974
Fort Bliss
El Paso Co: El Paso TX 79916–
Landholding Agency: Army
Property Number: 219740350
Status: Unutilized
Comment: 3018 sq. ft., concrete block, most recent use—hdqts. bldg. off-site use only

Virginia

Bldg. 2436, Fort Belvoir
Ft. Belvoir Co: Fairfax VA 22060–5402
Landholding Agency: Army
Property Number: 219720215
Status: Excess
Comment: 3200 sq. ft., most recent use—storage, needs extensive repair, possible asbestos/lead paint, off-site use only

Bldg. 409
Fort Myer
Ft. Myer Co: Arlington VA 22211–1199
Landholding Agency: Army
Property Number: 219730336
Status: Unutilized
Comment: 2930 sq. ft., most recent use—storage, off-site use only

Bldg. T–59
Fort Monroe
Ft. Monroe VA 23651–
Landholding Agency: Army
Property Number: 219730337
Status: Unutilized
Comment: 3282 sq. ft., wood, off-site use only

Washington

13 Bldgs., Fort Lewis
A0402, CO723, CO726, CO727, CO902, CO903, CO906, CO907, CO922, CO923, CO926, CO927, C1250
Ft. Lewis Co: Pierce WA 98433–9500
Landholding Agency: Army
Property Number: 219630199
Status: Unutilized
Comment: 2360 sq. ft., possible asbestos/lead paint, most recent use—barracks, off-site use only

7 Bldgs., Fort Lewis
AO438, AO439, CO901, CO910, CO911, CO918, CO919
Ft. Lewis Co: Pierce WA 98433–9500
Landholding Agency: Army
Property Number: 219630200
Status: Unutilized
Comment: 1144 sq. ft., possible asbestos/lead paint, most recent use—dayroom bldgs., off-site use only

Bldg. AO608, Fort Lewis
Ft. Lewis Co: Pierce WA 98433–9500
Landholding Agency: Army
Property Number: 219630201
Status: Unutilized
Comment: 2285 sq. ft., needs rehab, possible asbestos/lead paint, most recent use—dining, off-site use only

6 Bldgs., Fort Lewis
CO908, CO728, CO921, CO928, C1008. C1108
Ft. Lewis Co: Pierce WA 98433–9500
Landholding Agency: Army
Property Number: 219630204
Status: Unutilized
Comment: 2207 sq. ft., possible asbestos/lead paint, most recent use—dining, off-site use only

Bldg. CO909, Fort Lewis
Ft. Lewis Co: Pierce WA 98433–9500
Landholding Agency: Army
Property Number: 219630205
Status: Unutilized
Comment: 1984 sq. ft., possible asbestos/lead paint, most recent use—admin., off-site use only

Bldg. CO920, Fort Lewis
Ft. Lewis Co: Pierce WA 98433–9500
Landholding Agency: Army
Property Number: 219630206
Status: Unutilized
Comment: 1984 sq. ft., possible asbestos/lead paint, most recent use—admin., off-site use only

Bldg. C1249, Fort Lewis
Ft. Lewis Co: Pierce WA 98433–9500
Landholding Agency: Army
Property Number: 219630207
Status: Unutilized
Comment: 992 sq. ft., possible asbestos/lead paint, most recent use—storage, off-site use only

Bldg. 1164, Fort Lewis
Ft. Lewis Co: Pierce WA 98433–9500
Landholding Agency: Army
Property Number: 219630213
Status: Unutilized
Comment: 230 sq. ft., possible asbestos/lead paint, most recent use—storehouse, off-site use only

Bldg. 1220, Fort Lewis
Ft. Lewis Co: Pierce WA 98433–9500
Landholding Agency: Army
Property Number: 219630214
Status: Unutilized
Comment: 1386 sq. ft., possible asbestos/lead paint, most recent use—warehouse, off-site use only

Bldg. 1307, Fort Lewis
Ft. Lewis Co: Pierce WA 98433–9500
Landholding Agency: Army
Property Number: 219630216
Status: Unutilized
Comment: 1092 sq. ft., possible asbestos/lead paint, most recent use—storage, off-site use only

Bldg. 1309, Fort Lewis
Ft. Lewis Co: Pierce WA 98433–9500
Landholding Agency: Army
Property Number: 219630217
Status: Unutilized
Comment: 1092 sq. ft., possible asbestos/lead paint, most recent use—storage, off-site use only

Bldg. 2167, Fort Lewis
Ft. Lewis Co: Pierce WA 98433–9500
Landholding Agency: Army
Property Number: 219630218
Status: Unutilized
Comment: 288 sq. ft., possible asbestos/lead paint, most recent use—warehouse, off-site use only

Bldg. 4078, Fort Lewis
Ft. Lewis Co: Pierce WA 98433–9500
Landholding Agency: Army
Property Number: 219630219
Status: Unutilized
Comment: 10200 sq. ft., needs rehab, possible asbestos/lead paint, most recent use—warehouse, off-site use only

Bldg. 9599, Fort Lewis
Ft. Lewis Co: Pierce WA 98433–9500
Landholding Agency: Army
Property Number: 219630220
Status: Unutilized
Comment: 12366 sq. ft., possible asbestos/lead paint, most recent use—warehouse, off-site use only

Bldg. A1404, Fort Lewis
Ft. Lewis Co: Pierce WA 98433–9500
Landholding Agency: Army
Property Number: 219640570
Status: Unutilized
Comment: 557 sq. ft., needs rehab, most recent use—storage, off-site use only

Bldg. A1419, Fort Lewis
Ft. Lewis Co: Pierce WA 98433–9500
Landholding Agency: Army
Property Number: 219640571
Status: Unutilized
Comment: 1307 sq. ft., needs rehab, most recent use—storage, off-site use only

Bldg. A1420, Fort Lewis
Ft. Lewis Co: Pierce WA 98433–9500
Landholding Agency: Army
Property Number: 219640572
Status: Unutilized
Comment: 5234 sq. ft., needs rehab, most recent use—vehicle maintenance shop, off-site use only

11 Buildings
Ft. Lewis
Ft. Lewis Co: Pierce WA 98433–
Location: #EO103–EO106, EO306, EO315–EO316, EO343–EO344, EO353–EO354
Landholding Agency: Army
Property Number: 219710143
Status: Unutilized
Comment: 2360 sq. ft., possible asbestos/lead paint, most recent use—officer's quarters, off-site use only

Bldgs. EO109, EO350
Fort Lewis
Ft. Lewis Co: Pierce WA 98433–
Landholding Agency: Army
Property Number: 219710144
Status: Unutilized
Comment: 1165 sq. ft., possible asbestos/lead paint, most recent use—dayroom, off-site use only

Bldgs. EO120, EO321, EO338
Fort Lewis
Ft. Lewis Co: Pierce WA 98433–9500
Landholding Agency: Army
Property Number: 219710145
Status: Unutilized
Comment: 3810 sq. ft., possible asbestos/lead paint, most recent use—officer's quarters, off-site use only

5 Bldgs.
Fort Lewis
Ft. Lewis Co: Pierce WA 98433–
Location: #EO127, EO136, EO302, EO204, EO330
Landholding Agency: Army
Property Number: 219710146
Status: Unutilized
Comment: 2284 sq. ft., possible asbestos/lead paint, most recent use—offices, off-site use only

Bldg. EO136
Fort Lewis
Ft. Lewis Co: Pierce WA 98433–
Landholding Agency: Army
Property Number: 219710147
Status: Unutilized
Comment: 3885 sq. ft., possible asbestos/lead paint, most recent use—officer's quarters, off-site use only

Bldgs. EO158, EO303
Fort Lewis
Ft. Lewis Co: Pierce WA 98433–
Landholding Agency: Army
Property Number: 219710148
Status: Unutilized
Comment: 1675 sq. ft., possible asbestos/lead paint, most recent use—office, off-site use only

Bldg. EO202
Fort Lewis
Ft. Lewis Co: Pierce WA 98433–
Landholding Agency: Army
Property Number: 219710149
Status: Unutilized
Comment: 992 sq. ft., possible asbestos/lead paint, most recent use—office, off-site use only

Bldg. EO312
Fort Lewis
Ft. Lewis Co: Pierce WA 98433–
Landholding Agency: Army
Property Number: 219710150
Status: Unutilized
Comment: 3885 sq. ft., possible asbestos/lead paint, most recent use—officer's quarters, off-site use only

Bldg. EO322
Fort Lewis
Ft. Lewis Co: Pierce WA 98433–
Landholding Agency: Army
Property Number: 219710151
Status: Unutilized
Comment: 2250 sq. ft., possible asbestos/lead paint, most recent use—storage, off-site use only

Bldg. EO325
Fort Lewis
Ft. Lewis Co: Pierce WA 98433–
Landholding Agency: Army
Property Number: 219710152
Status: Unutilized
Comment: 3336 sq. ft., possible asbestos/lead paint, most recent use—officer's quarters, off-site use only

Bldg. EO329
Fort Lewis
Ft. Lewis Co: Pierce WA 98433–
Landholding Agency: Army
Property Number: 219710153
Status: Unutilized
Comment: 1843 sq. ft., possible asbestos/lead paint, most recent use—office, off-site use only

Bldg. E0334
Fort Lewis
Ft. Lewis Co: Pierce WA 98433–
Landholding Agency: Army
Property Number: 219710154
Status: Unutilized
Comment: 3779 sq. ft., possible asbestos/lead paint, most recent use—recreation, off-site use only

Bldg. EO335
Fort Lewis
Ft. Lewis Co: Pierce WA 98433–
Landholding Agency: Army
Property Number: 219710155
Status: Unutilized
Comment: 2207 sq. ft., possible asbestos/lead paint, most recent use—dining facility, off-site use only

Bldg. EO347
Fort Lewis
Ft. Lewis Co: Pierce WA 98433–
Landholding Agency: Army
Property Number: 219710156
Status: Unutilized
Comment: 1800 sq. ft., possible asbestos/lead paint, most recent use—office, off-site use only

Bldgs. EO349, EO110
Fort Lewis
Ft. Lewis Co: Pierce WA 98433–
Landholding Agency: Army
Property Number: 219710157
Status: Unutilized
Comment: 1296 sq. ft., possible asbestos/lead paint, most recent use—office, off-site use only

4 Bldgs.
Fort Lewis
Ft. Lewis Co: Pierce WA 98433–
Location: ιEO351, EO308, EO207, EO108
Landholding Agency: Army
Property Number: 219710158
Status: Unutilized
Comment: 1144 sq. ft., possible asbestos/lead paint, most recent use—dayroom, off-site use only

Bldgs. EO352, EO307
Fort Lewis
Ft. Lewis Co: Pierce WA 98433–
Landholding Agency: Army
Property Number: 219710159
Status: Unutilized
Comment: 992 sq. ft., possible asbestos/lead paint, most recent use—office, off-site use only

Bldg. EO355
Fort Lewis
Ft. Lewis Co: Pierce WA 98433–
Landholding Agency: Army
Property Number: 219710160
Status: Unutilized
Comment: 2360 sq. ft., possible asbestos/lead paint, most recent use—training facility, off-site use only

Bldg. B1008, Fort Lewis
Ft. Lewis Co: Pierce WA 98433–
Landholding Agency: Army
Property Number: 219710216
Status: Unutilized
Comment: 7387 sq. ft., 2-story, needs rehab, possible asbestos/lead paint, most recent use—medical clinic, off-site use only

Bldgs. B1011–B1012, Fort Lewis
Ft. Lewis Co: Pierce WA 98433–
Landholding Agency: Army
Property Number: 219710217
Status: Unutilized
Comment: 992 sq. ft. and 1144 sq. ft. needs rehab, possible asbestos/lead paint, most recent use—office, off-site use only

Land (by State)

Alaska

Harding Lake Recreation Area
Fort Richardson
Anchorage AK
Landholding Agency: Army
Property Number: 219540009
Status: Underutilized
Comment: 25.5 acres, most recent use—recreation

Georgia

Land (Railbed)
Fort Benning
Ft. Benning Co: Muscogee GA 31905–
Landholding Agency: Army
Property Number: 219440440
Status: Unutilized
Comment: 17.3 acres extending 1.24 miles, no known utilities potential

Minnesota

Land
Twin Cities Army Ammunition Plant
New Brighton Co: Ramsey MN 55112–
Landholding Agency: Army
Property Number: 219120269
Status: Underutilized
Comment: Approx. 49 acres, possible contamination, secured area with alternate access.

Nevada

Parcel A
Hawthorne Army Ammunition Plant
Hawthorne Co: Mineral NV 89415–
Location: At Foot of Eastern slope of Mount Grant in Wassuk Range & S.W. edge of Walker Lane
Landholding Agency: Army
Property Number: 2191012049
Status: Unutilized
Comment: 160 acres, road and utility easements, no utility hookup, possible flooding problem.

Parcel B
Hawthorne Army Ammunition Plant
Hawthorne Co: Mineral NV 89415–
Location: At Foot of Eastern slope of Mount Grant in Wassuk Range & S.W. edge of Walker Lane
Landholding Agency: Army
Property Number: 219012056
Status: Unutilized
Comment: 1920 acres; road and utility easements; no utility hookup; possible flooding problem.

Parcel C
Hawthorne Army Ammunition Plant
Hawthorne Co: Mineral NV 89415–
Location: South-southwest of Hawthorne along HWAAP's South Magazine Area at western edge of State Route 359.
Landholding Agency: Army
Property Number: 219012057
Status: Unutilized
Comment: 85 acres; road & utility easements; no utility hookup.

Parcel D
Hawthorne Army Ammunition Plant
Hawthorne Co: Mineral NV 89415–
Location: South-southwest of Hawthorne along HWAAP's South Magazine Area at Western edge of State Route 359
Landholding Agency: Army
Property Number: 219012058
Status: Unutilized
Comment: 955 acres; road & utility easements; no utility hookup.

New York

Land—6.965 Acres
Dix Avenue
Queensbury Co: Warren NY 12801–
Landholding Agency: Army
Property Number: 219540018
Status: Unutilized
Comment: 6.96 acres of vacant land, located in industrial area, potential utilities

Tennessee

Holston Army Ammunition Plant
Kingsport Co: Hawkins TN 61299–6000
Landholding Agency: Army
Property Number: 219012338
Status: Unutilized
Comment: 8 acres; unimproved; could provide access; 2 acres unusable; near explosives.

Texas

Old Camp Bullis Road

Fort Sam Houston
San Antonio Co: Bexar TX 78234–5000
Landholding Agency: Army
Property Number: 219420461
Status: Unutilized
Comment: 7.16 acres, rural gravel road

Castner Range
Fort Bliss
El Paso Co: El Paso TX 79916–
Landholding Agency: Army
Property Number: 219610788
Status: Unutilized
Comment: approx. 56.81 acres, portion in floodway, most recent use—recreation picnic park

Suitable/Unavailable Properties

Buildings (by State)

Georgia

Bldg. 4090
Fort Benning
Ft. Benning Co: Muscogee GA 31905–
Landholding Agency: Army
Property Number: 219630007
Status: Underutilized
Comment: 3530 sq. ft., most recent use—chapel, off-site use only

Hawaii

Bldg. S–275
Fort DeRussy
Honolulu HI 96815–
Landholding Agency: Army
Property Number: 219540014
Status: Unutilized
Comment: 26047 gross sq. ft., some termite damage, most recent use—office/workshop, limitations on use (PL90–110, Sec. 809)

Maryland

Bldgs. TMA4, TMA5, TMA8, TMA9
Fort George G. Meade
Ft. Meade Co: Anne Arundel MD 20755–5115
Landholding Agency: Army
Property Number: 219320292
Status: Unutilized
Comment: approx. 800 sq. ft. steel plate, gravel base ammunition storage area, fair condition

New Mexico

Bldg. 436
White Sands Missile Range
White Sands Co: Dona Ana NM 88002–
Landholding Agency: Army
Property Number: 219730303
Status: Unutilized
Comment: 4725 sq. ft., poor condition, most recent use—decontamination shelter, off-site use only

Bldg. 1310
White Sands Missile Range
White Sands Co: Dona Ana NM 88002–
Landholding Agency: Army
Property Number: 219730304
Status: Unutilized
Comment: 4427 sq. ft., presence of asbestos, poor condition, most recent use—boy scout facility, off-site use only

New York

McGrath USAR Center
Robinson Road
Village of Massena Co: St. Lawrence NY 13662–2497
Landholding Agency: Army
Property Number: 219740333
Status: Unutilized
Comment: 12,930 sq. ft. reserve center and 1325 sq. ft. motor repair shop

Texas

Bldg. P–2000, Fort Sam Houston
San Antonio Co: Bexar TX 78234–5000
Landholding Agency: Army
Property Number: 219220389
Status: Underutilized
Comment: 49,542 sq. ft., 3-story brick structure, within National Landmark Historic District

Bldg. P–2001, Fort Sam Houston
San Antonio Co: Bexar TX 78234–5000
Landholding Agency: Army
Property Number: 219220390
Status: Underutilized
Comment: 16,539 sq. ft., 4-story brick structure, within National Landmark Historic District

Bldg. T–189, Fort Sam Houston
San Antonio Co: Bexar TX 78234–5000
Landholding Agency: Army
Property Number: 219220402
Status: Underutilized
Comment: 11,949 sq. ft., 4-story brick structure, within National Landmark Historic District, possible lead contamination

Bldg. S–1461, Fort Sam Houston
San Antonio Co: Bexar TX 78234–5000
Landholding Agency: Army
Property Number: 219610772
Status: Unutilized
Comment: 11568 gross sq. ft., presence of asbestos/lead base paint, most recent use—admin., off-site use only

Virginia

Bldg. T–181
Fort Monroe
Fort Monroe VA 23651–
Landholding Agency: Army
Property Number: 219630002
Status: Underutilized
Comment: 1835 sq. ft., most recent use—office, off-site use only

Bldg. T–182
Fort Monroe
Fort Monroe VA 23651–
Landholding Agency: Army
Property Number: 219630003
Status: Underutilized
Comment: 1997 sq. ft., most recent use—office, off-site use only

Bldg. T–183
Fort Monroe
Fort Monroe VA 23651–
Landholding Agency: Army
Property Number: 219630004
Status: Underutilized
Comment: 1760 sq. ft., most recent use—office, off-site use only

Bldg. T–184
Fort Monroe
Fort Monroe VA 23651–
Landholding Agency: Army
Property Number: 219630005
Status: Underutilized
Comment: 1750 sq. ft., most recent use—office, off-site use only

Land (by State)

Illinois

Bridge Ramp & Property
Rock Island Arsenal
Rock Island Co: Rock Island IL 61299–
Landholding Agency: Army
Property Number: 219620665
Status: Unutilized
Comment: Bridge Ramp 24 ft. wide, 600 ft. long

North Carolina

.92 Acre—Land
Military Ocean Terminal, Sunny Point
Southport Co: Brunswick NC 28461–5000
Landholding Agency: Army
Property Number: 219610728
Status: Underutilized
Comment: municipal drinking waterwell, restricted by explosive safety regs., New Hanover County Buffer Zone

10 Acre—Land
Military Ocean Terminal, Sunny Point
Southport Co: Brunswick NC 28461–5000
Landholding Agency: Army
Property Number: 219610729
Status: Underutilized
Comment: municipal park, restricted by explosive safety regs., New Hanover County Buffer Zone

257 Acre—Land
Military Ocean Terminal, Sunny Point
Southport Co: Brunswick NC 28461–5000
Landholding Agency: Army
Property Number: 219610730
Status: Underutilized
Comment: state park, restricted by explosive safety regs., New Hanover County Buffer Zone

24.83 acres—Tract of Land
Military Ocean Terminal, Sunny Point
Southport Co: Brunswick NC 28461–5000
Landholding Agency: Army
Property Number: 219620685
Status: Underutilized
Comment: 24.83 acres, municipal park, most recent use—New Hanover County explosive buffer zone

Texas

Vacant Land, Fort Sam Houston
All of Block 1800, Portions of Blocks 1900, 3100 and 3200
San Antonio Co: Bexar TX 78234–5000
Landholding Agency: Army
Property Number: 219220438
Status: Unutilized
Comment: 210.83 acres, 85% located in floodplain, presence of unexploded ordnance, 2 land fill areas

Suitable/To Be Excessed

Buildings (by State)

Idaho

Moore Hall U.S. Army Rsve Ctr
1575 N. Skyline Dr.
Idaho Falls Co: Bonneville ID 83401–
Landholding Agency: Army
Property Number: 219720207
Status: Unutilized
Comment: 12582 sq. ft. dental clinic in mobile home, 1138 sq. ft. maint. shop, good condition, possible asbestos

Illinois

WARD Army Reserve Center

1429 Northmoor Road
Peoria Co: Peoria IL 61614–3498
Landholding Agency: Army
Property Number: 219430254
Status: Unutilized
Comment: 2 bldgs. on 3.15 acres, 36451 sq. ft., reserve center & warehouse, presence of asbestos, most recent use—office/storage/training

Stenafich Army Reserve Center
1600 E. Willow Road
Kankakee Co: Kankakee IL 60901–2631
Landholding Agency: Army
Property Number: 219430255
Status: Unutilized
Comment: 2 bldgs.—reserve center & vehicle maint. shop on 3.68 acres, 5641 sq. ft., most recent use—office/storage/training, presence of asbestos

Indiana

Bldg. 27, USARC Paulsen
North Judson Co: Starke IN 46366–
Landholding Agency: Army
Property Number: 219610669
Status: Unutilized
Comment: 10379 sq. ft., presence of asbestos, most recent use—office/storage/training

Bldg. 36, USARC Paulsen
North Judson Co: Strike IN 46366–
Landholding Agency: Army
Property Number: 219610670
Status: Unutilized
Comment: 1802 sq. ft., presence of asbestos, most recent use—vehicle maintenance

Kansas

U.S. Army Reserve Center Annex
800 South 29th St.
Parsons KS
Landholding Agency: Army
Property Number: 219720208
Status: Unutilized
Comment: 3157 sq. ft., 1-story, reserve center annex storage

Maine

Reserve Ctr. Bldg. & Land
Bridgeton Memorial US Army Reserve Center
Depot Street
Bridgton Co: Cumberland ME 04009–1211
Landholding Agency: Army
Property Number: 219710122
Status: Unutilized
Comment: 4484 sq. ft., 1-story, brick on 3.65 acres

Maintenance Bldg.
Bridgeton Memorial US Army Reserve Center
Depot Street
Bridgton Co: Cumberland ME 04009–1211
Landholding Agency: Army
Property Number: 219710123
Status: Unutilized
Comment: 1325 sq. ft., 1-story, brick most recent use—vehicle maintenance shop

New York

Bldg. P–1
Glen Falls Reserve Center
Glen Falls Co: Warren NY 12801–
Location: 67–73 Warren Street
Landholding Agency: Army
Property Number: 219540015
Status: Unutilized
Comment: 19613 sq. ft., 2 story w/basement, concrete block/brick frame on .475 acres

Bldgs. P–1 & P–2
Olean Reserve Center
423 Riverside Drive
Olean Co: Cattaraugus NY 14760–
Landholding Agency: Army
Property Number: 219540017
Status: Unutilized
Comment: 4464 sq. ft. reserve center/1325 sq. ft. motor repair shop, 1 story each, concrete block/brick frame, on 3.9 acres

Reserve Center
Sqt. H. Grover H. O'Connor USARC
303 N. Lackwarna Street
Wayland Co: Steuber NY 14572–
Landholding Agency: Army
Property Number: 219710239
Status: Unutilized
Comment: 17102 sq. ft., good condition

Motor Repair Shop
Sgt. H. Grover H. O'Connor USARC
303 N. Lackwarna Street
Wayland Co: Steuber NY 14572–
Landholding Agency: Army
Property Number: 219710240
Status: Unutilized
Comment: 1325 sq. ft., good condition

Reserve Center
PFC. Robert J. Manville USARC
1205 Lafayette Street
Ogdensburg Co: St. Lawrence NY 13669–
Landholding Agency: Army
Property Number: 219710241
Status: Unutilized
Comment: 11,540 sq. ft., good condition

Motor Repair Shop
PFC. Robert J. Manville USARC
1205 Lafayette Street
Ogdensburg Co: St. Lawrence NY 13669–
Landholding Agency: Army
Property Number: 219710242
Status: Unutilized
Comment: 2524 sq. ft., good condition

Oregon

Santo Hall U.S. Army Rsve Ctr
701 N. Columbus Ave.
Medford Co: Jackson OR 97501–
Landholding Agency: Army
Property Number: 219720211
Status: Unutilized
Comment: sq. ft., admin. bldg., 2332 sq. ft. maintenance shop, good condition

Wisconsin

U.S. Army Reserve Center
2310 Center Street
Racine Co: Racine WI 53403–3330
Landholding Agency: Army
Property Number: 219620740
Status: Unutilized
Comment: 3 bldgs. (14,137 sq. ft.) on 3 acres, needs repair, most recent use—office/storage/training

Land (by State)

California

U.S. Army Reserve Center
Mountain Lakes Industrial Park
Redding Co: Shasta CA
Landholding Agency: Army
Property Number: 219610645
Status: Unutilized
Comment: 5.13 acres within a light industrial park

Texas

Camp Bullis, Tract 9
Fort Sam Houston
San Antonio Co: Bexar TX 78234–5000
Landholding Agency: Army
Property Number: 219420462
Status: Unutilized
Comment: 1.07 acres of undeveloped land

Unsuitable Properties

Buildings (by State)

Alabama

202 Bldgs.
Redstone Arsenal
Redstone Arsenal Co: Madison Al 35898–
Landholding Agency: Army
Property Number: 219014015, 219014036, 219014060, 219430266–219430277, 219430284–219430288, 219440078–219440082, 219530010–219530048, 219610272–219610280, 219630015–219630017, 219710161–219710170, 219720002–219720015, 219740003, 219810011–219810023
Status: Unutilized
Reason: Secured Area (Some are extensively deteriorated.)

95 Bldg., Fort Rucker
Ft. Rucker Co: Dale AL 36362
Landholding Agency: Army
Property Number: 219310016, 219330003, 219340116, 219340124, 219410022, 219440083, 219440094–219440095, 219520057–219520058, 219620372, 219620374, 219630009–219630014, 219640002, 219640440, 219710091, 219730008–219730013, 219740004, 219740006, 219810010
Status: Unutilized
Reason: Extensive deterioration

Bldgs. 25203, 25205–25207, 25209, 25501, 25503, 25505, 25507, 25510
Fort Rucker
Stagefield Areas
Ft. Rucker Co: Dale AL 36362–5138
Landholding Agency: Army
Property Number: 219410020–219410021
Status: Unutilized
Reason: Secured area

Bldg. 402–C
Alabama Army Ammunition Plant
Childersburg Co: Talladega AL 35044
Landholding Agency: Army
Property Number: 219420124
Status: Unutilized
Reason: Secured Area

Bldgs. S0015, S0016
Anniston Army Depot
Anniston AL 36201
Landholding Agency: Army
Property Number: 219740001–219740002
Status: Unutilized
Reason: Extensive deterioration

Alaska

17 Bldgs.
Fort Greely
Ft. Greely AK 99790–
Landholding Agency: Army
Property Number: 219210124–219210125, 219220320–219220332, 219520064
Status: Unutilized
Reason: Extensive deterioration

16 Bldgs., Fort Wainwright

Ft. Wainwright AK 99703
Landholding Agency: Army
Property Number: 219640006–219640007, 219710009, 219710195–219710198, 219810001–219810007
Status: Underutilized
Reason: Within 2000 ft. of flammable or explosive material, Secured area, Floodway

Bldg. 1501, Fort Greely
Ft. Greely AK 99505
Landholding Agency: Army
Property Number: 219240327
Status: Unutilized
Reason: Secured Area

Sullivan Roadhouse, Fort Greely
Ft. Greely AK
Landholding Agency: Army
Property Number: 219430291
Status: Unutilized
Reason: Extensive deterioration

33 Bldgs., Fort Richardson
Ft. Richardson AK 99505
Landholding Agency: Army
Property Number: 219620370, 219710199–219710220, 219720001, 219730001–219730007, 219810008–219810009
Status: Unutilized
Reason: Extensive deterioration

Arizona

32 Bldgs.
Navajo Depot Activity
Bellemont Co: Coconino AZ 86015–
Location: 12 miles west of Flagstaff, Arizona on I–40
Landholding Agency: Army
Property Number: 219014560–219014591
Status: Underutilized
Reason: Secured Area

10 properties: 753 earth covered igloos; above ground standard magazines
Navajo Depot Activity
Bellemont Co: Coconino AZ 86015–
Location: 12 miles west of Flagstaff, Arizona on I–40
Landholding Agency: Army
Property Number: 219014592–219014601
Status: Underutilized
Reason: Secured Area

9 Bldgs.
Navajo Depot Activity
Bellemont Co: Coconino AZ 86015–5000
Location: 12 miles west of Flagstaff, Arizona on I–40
Landholding Agency: Army
Property Number: 219030273–219030274, 219120175–219120181
Status: Unutilized
Reason: Secured Area

Bldgs. 68054
Fort Huachuca
Sierra Vista Co: Cochise AZ 85635–
Landholding Agency: Army
Property Number: 219430315
Status: Excess
Reason: Extensive deterioration

Bldg. S–2085
Yuma Proving Ground
Yuma Co: Yuma/LaPaz AZ 85365–9104
Landholding Agency: Army
Property Number: 219330020
Status: Unutilized
Reason: Secured area

Bldg. T–231
Yuma Proving Ground
Yuma Co: LaPaz AZ 85365–9104
Landholding Agency: Army
Property Number: 219510093
Status: Unutilized
Reason: Extensive deterioration

Arkansas

6 Bldgs.
Pine Bluff Arsenal
Pine Bluff Co: Jefferson AR 71602–9500
Landholding Agency: Army
Property Number: 219420138–219420142, 219440077
Status: Unutilized
Reason: Secured Area, Extensive deterioration

194 Bldgs., Fort Chaffee
Ft. Chaffee Co: Sebastian AR 72905–5000
Landholding Agency: Army
Property Number: 219630019–219630029, 219640445–219640477
Status: Unutilized
Reason: Extensive deterioration

California

Bldg. 18
Riverbank Army Ammunition Plant
5300 Clause Road
Riverbank Co: Stanislaus CA 95367–
Landholding Agency: Army
Property Number: 219012554
Status: Unutilized
Reason: Within 2000 ft. of flammable or explosive materials, Secured Area

11 Bldgs. Nos. 2–8, 156, 1, 120, 181
Riverbank Army Ammunition Plant
Riverbank Co: Stanislaus CA 95367–
Landholding Agency: Army
Property Number: 219013582–219013588, 219013590, 219240444–219240446
Status: Underutilized
Reason: Secured Area

9 Bldgs.
Oakland Army Base
Oakland Co: Alameda CA 94626–5000
Landholding Agency: Army
Property Number: 219013903–219013906, 219120051, 219340008–219340011
Status: Unutilized
Reason: Secured Area (Some are extensively deteriorated.)

Bldg. S–184
Fort Hunter Liggett
Ft. Hunter Liggett Co: Monterey CA 93928–
Landholding Agency: Army
Property Number: 219014602
Status: Underutilized
Reason: Secured Area

Bldgs. 13, 171, 178 Riverbank Ammun Plant
5300 Claus Road
Riverbank Co: Stanislaus CA 95367–
Landholding Agency: Army
Property Number: 219120162–219120164
Status: Underutilized
Reason: Secured Area

Bldgs. T–187, 194 Fort Hunter Liggett
Ft. Hunter Liggett Co: Monterey CA 93928
Landholding Agency: Army
Property Number: 219240321–219610287
Status: Unutilized
Reason: Secured Area, Extensive deterioration

10 Bldgs., Fort Irwin
Ft. Irwin Co: San Bernardino CA 92310
Landholding Agency: Army
Property Number: 219330026–219330035
Status: Unutilized
Reason: Secured Area, Extensive deterioration

13 Bldgs.
DDDRW Sharpe Facility
Tracy Co: San Joaquin CA 95331
Landholding Agency: Army
Property Number: 219430025–219430026, 219430032–219430033, 219610289–219610296, 219740008
Status: Unutilized
Reason: Secured Area

6 Buildings
Oakland Army Base
Oakland Co: Alameda CA 94626
Location: Include: 90, 790, 792, 807, 829, 916
Landholding Agency: Army
Property Number: 219510097
Status: Unutilized
Reason: Secured Area, Within 2000 ft. of flammable or explosive material

Bldg. 43; Bunkers 41, 42, 45, 46, 47
Santa Rosa High Frequency Radio Station
Santa Rosa CA
Landholding Agency: Army
Property Number: 219520036
Status: Excess
Reason: Secured Area

Bldgs. 29, 39, 73, 154, 155, 193, 204, 257
Los Alamitos Co: Orange CA 90720–5001
Landholding Agency: Army
Property Number: 219520040
Status: Unutilized
Reason: Extensive deterioration

Bldgs. 1103, 1131
Parks Reserve Forces Training Area
Dublin Co: Alameda CA 94568–5201
Landholding Agency: Army
Property Number: 219520056
Status: Unutilized
Reason: Extensive deterioration

Bldgs. 144, 429–430
National Training Center, Fort Irwin
Ft. Irwin Co: San Bernardino CA 92310
Landholding Agency: Army
Property Number: 219530066
Status: Unutilized
Reason: Secured Area, Extensive deterioration

19 Bldgs.
National Training Center, Fort Irwin
Ft. Irwin Co: San Bernardino CA 92310
Location: #556, 558, 562, 564, 578, 581, 584, 586, 609, 474, 600, 410, 427, 485, 483, 579, 583, 570, 568
Landholding Agency: Army
Property Number: 219530067
Status: Unutilized
Reason: Secured Area, Extensive deterioration

20 Buildings
National Training Center
Fort Irwin Co: San Bernardino CA 92311–5097
Location: 426, 428, 435–437, 439, 441, 462, 464, 466, 510, 527, 529, 537, 539, 544–545, 547, 549, 608
Landholding Agency: Army
Property Number: 219610288
Status: Unutilized
Reason: Secured Area

Bldg. T–386, National Training Center
Fort Irwin

Ft. Irwin Co: San Bernardino CA 92310
Landholding Agency: Army
Property Number: 219640008
Status: Unutilized
Reason: Extensive deterioration

Bldg. 401
Sierra Army Depot
Herlong Co: Lassen CA 96113
Landholding Agency: Army
Property Number: 219620382
Status: Underutilized
Reason: Within 2000 ft. of flammable or explosive material, Secured Area

Bldgs. 18013, 18030
Camp Roberts
Camp Roberts Co: San Obispo CA
Landholding Agency: Army
Property Number: 219730014
Status: Excess
Reason: Extensive deterioration

Colorado

Bldgs. T–317, T–412, 431, 433
Rocky Mountain Arsenal
Commerce Co: Adams CO 80022–2180
Landholding Agency: Army
Property Number: 219320013–219320016
Status: Unutilized
Reason: Within 2000 ft. of flammable or explosive material, Secured Area, Extensive deterioration

70 Bldgs. Fort Carson
Ft. Carson Co: El Paso CO 80913–5023
Landholding Agency: Army
Property Number: 219610297–219610318, 219620384–219620409, 219640009, 219710093, 219710172–219710179, 219730015–219730017, 219740009
Status: Unutilized
Reason: Extensive deterioration

Connecticut

Bldgs. DK001, DKL05, DKL10
USARC Middletown
Middletown Co: Middlesex CT 06457–1809
Landholding Agency: Army
Property Number: 219810024–219810026
Status: Unutilized
Reason: Extensive deterioration

Georgia

Fort Stewart
Sewage Treatment Plant
Ft. Stewart Co: Hinesville GA 31314–
Landholding Agency: Army
Property Number: 219013922
Status: Unutilized
Reason: Sewage treatment

Facility 12304
Fort Gordon
Augusta Co: Richmond GA 30905–
Location: Located off Lane Avenue
Landholding Agency: Army
Property Number: 219014787
Status: Unutilized
Reason: Wheeled vehicle grease/inspection rack

147 Bldgs.
Fort Gordon
Augusta Co: Richmond GA 30905–
Landholding Agency: Army
Property Number: 219220269, 219320026, 219410039–219410072, 219410089, 219410091–219410115, 219520067, 219610330–219610333, 219610336, 219630042–219630069, 219640011–219640037, 219710094–219710095, 219730018–219730020, 219810027
Status: Unutilized
Reason: Extensive deterioration

4 Bldgs., Fort Benning
Ft. Benning Co: Muscogee GA 31905
Landholding Agency: Army
Property Number: 219220334–219220337
Status: Unutilized
Reason: Detached lavatory

27 Bldgs., Fort Benning
Ft. Benning Co: Muscogee GA 31905
Landholding Agency: Army
Property Number: 219520150, 219610319–219610324, 219640041–219640044, 219640046, 219720017–219720024, 219810028–219810035
Status: Unutilized
Reason: Extensive deterioration

14 Bldgs.
Fort Gillem
Forest Part Co: Clayton GA 30050
Landholding Agency: Army
Property Number: 219310094, 219310099, 219620815, 219730021–219730030, 219740015
Status: Unutilized
Reason: (Some are extensively deteriorated.) (Most are in a secured area.)

7 Bldgs., Fort Stewart
Hinesville Co: Liberty GA 31314
Landholding Agency: Army
Property Number: 219630072, 219630076–219630077, 219710237, 219740012–219740014
Status: Unutilized
Reason: Extensive deterioration

8 Bldgs., Hunter Army Airfield
Savannah Co: Chatham GA 31409
Landholding Agency: Army
Property Number: 219430319, 219610326, 291620413, 219630034, 219630039, 219730031, 219740010–219740011
Status: Unutilized
Reason: Extensive deterioration

5 Bldgs., Fort McPherson
Ft. McPherson Co: Fulton GA 30330–5000
Landholding Agency: Army
Property Number: 219620803, 219640010, 219730032–219730034
Status: Underutilized
Reason: Secured Area

Hawaii

PU–01, 02, 03, 04, 05, 06, 07, 08, 09, 10, 11
Schofield Barracks
Kolekole Pass Road
Wahiawa Co: Wahiawa HI 96786–
Landholding Agency: Army
Property Number: 219014836–219014837
Status: Unutilized
Reason: Secured Area

P–3384
Schofield Barracks
Wahiawa Co: Wahiawa HI 96786–
Landholding Agency: Army
Property Number: 219030361
Status: Unutilized
Reason: Secured Area

4 Bldgs., Fort Shafter
Honolulu Co: Honolulu HI 96819
Landholding Agency: Army
Property Number: 219610350, 219730035–219730036, 219740016
Status: Unutilized
Reason: Extensive deterioration

4 Bldgs.
Schofield Barracks
Wahiawa Co: Wahiawa HI 96786
Landholding Agency: Army
Property Number: 219420154, 219630080, 219640050–219640051
Status: Unutilized
Reason: Extensive deterioration

8 Bldgs.
Wheeler Army Airfield
Wahiawa HI 96857
Landholding Agency: Army
Property Number: 219520039, 219610348, 219630078–219630079, 219640052, 219740017–219740019
Status: Unutilized
Reason: Secured Area (Some are extensively deteriorated)

Illinois

609 Bldgs. and Groups
Joliet Army Ammunition Plant
Joliet Co: Will IL 60436–
Landholding Agency: Army
Property Number: 219010153–219010317, 219010319–219010407, 219010409–219010413, 219010415–219010439, 219011750–219011879, 219011881–219011908, 219012331, 219013076–219013138, 219014722–219014781, 219030277–219030278, 219040354, 219140441–219140446, 219210146, 219240457–219240465, 219330062–219330094
Status: Unutilized
Reason: Secured Area; many within 2000 ft. of flammable or explosive materials; some within floodway.

Bldgs. 58, 59 and 72, 69, 64, 105, 135
Rock Island Arsenal
Rock Island Co: Rock Island IL 61299–5000
Landholding Agency: Army
Property Number: 219110104–219110108, 219620427
Status: Unutilized
Reason: Secured Area

Bldgs. 133, 141 Rock Island Arsenal
Gillespie Avenue
Rock Island Co: Rock Island IL 61299–
Landholding Agency: Army
Property Number: 219210100, 219620428
Status: Unutilized
Reason: Extensive deterioration

13 Bldgs. Savanna Army Depot Activity
Savanna Co: Carroll IL 61074
Landholding Agency: Army
Property Number: 219230126–219230127, 219430326–219430335, 219430397
Status: Unutilized
Reason: Extensive deterioration

Bldgs. 103, 114, 417, 110, S–234, T–125
Charles Melvin Price Support Center
Granite City Co: Madison IL 62040
Landholding Agency: Army
Property Number: 219420182–219420184, 219510008, 219710096, 219740020
Status: Unutilized
Reason: Secured Area, Extensive deterioration

Indiana

328 Bldgs.
Indiana Army Ammunition Plant (INAAP)
Charlestown Co: Clark IN 47111–
Landholding Agency: Army

Property Number: 219010913–219010920, 219010924–219010936, 219010952, 219010955, 219010957, 219010959–219010960, 219010962–219010964, 219010966–219010967, 219010969–219010970, 219011449, 219011454, 219011456–219011457, 219011459–219011464, 219013764, 219013848, 219014608–219014653, 219014655–219014661, 219014663–219014683, 219030315, 219120168–219120171, 219140425–219140440, 219210152–219210155, 219230034–219230037, 219320036–219320111, 219420170–219420181, 219440159–219440163, 219610367–219610413, 219620435–219620452
Status: Unutilized
Reason: Within 2000 ft. of flammable or explosive material (Most are within a secured area.)

178 Bldgs.
Newport Army Ammunition Plant
Newport Co: Vermillion IN 47966–
Landholding Agency: Army
Property Number: 219011584, 219011586–219011587, 219011589–219011590, 219011592–219011627, 219011629–219011636, 219011638–219011641, 219210149–219210151, 219220220, 219230032–219230033, 219430336–219430338, 219520033, 219520042, 219530075–219530097, 219740021–219740026
Status: Unutilized
Reason: Secured Area (Some are extensively deteriorated.)

2 Bldgs.
Atterbury Reserve Forces Training Area
Edinburgh Co: Johnson IN 46124–1096
Landholding Agency: Army
Property Number: 219230030–219230031
Status: Unutilized
Reason: Extensive deterioration.

Bldg. 2635, Indiana Army Ammunition Plant
Charlestown Co: Clark IN 47111
Landholding Agency: Army
Property Number: 219240322
Status: Unutilized
Reason: Secured Area, Extensive deterioration.

22 Bldgs., Camp Atterbury
Edinburgh IN 46124
Landholding Agency: Army
Property Number: 219610351–219610366, 219620429–219620434
Status: Unutilized
Reason: Secured Area, Extensive deterioration.

Iowa

97 Bldgs.
Iowa Army Ammunition Plant
Middletown Co: Des Moines IA 52638–
Landholding Agency: Army
Property Number: 219012605–219012607, 219012609, 219012611, 219012613, 219012615, 219012620, 219012622, 219012624, 219013706–219013738, 219120172–219120174, 219440112–219440158, 219510089, 219520002, 219520070, 219610414, 219740027
Status: Unutilized
Reason: (Many are in a Secured Area) (Most are within 2000 ft. of flammable or explosive material.)

30 Bldgs., Iowa Army Ammunition Plant
Middletown Co: Des Moines IA 52638
Landholding Agency: Army
Property Number: 219230005–219230029, 219310017, 219330061, 219340091, 219520053, 219520151
Status: Unutilized
Reason: Extensive deterioration

Kansas

37 Bldgs.
Kansas Army Ammunition Plant
Production Area
Persons Co: Labette KS 67357–
Landholding Agency: Army
Property Number: 219011909–219011945
Status: Unutilized
Reason: Secured Area (Most are within 2000 ft. of flammable or explosive material)

244 Bldgs.
Sunflower Army Ammunition Plant
35425 W. 103rd Street
DeSoto Co: Johnson KS 66018–
Landholding Agency: Army
Property Number: 219040039, 219040045, 219040048–219040051, 219040053, 219040055, 219040063–219040067, 219040072–219040080, 219040086–219040099, 219040102, 219040111–219040112, 219040118–219040119, 219040121–219040124, 219040126, 219040128–219040133, 219040136–219040137, 219040139–219040140, 219040143, 219040149–219040154, 219040156, 219040160–219040165, 219040168–219040170, 219040180, 219040182–219040185, 219040190–219040191, 219040202, 219040205–219040207, 219040208, 219040210–219040221, 219040234–219040239, 219040241–219040254, 219040256–219040257, 219040260, 219040262–219040267, 219040270–219040279, 219040282–219040319, 219040321–219040323, 219040325–219040327, 219040330–219040335, 219040349, 219040353, 219110073, 219140569–219140577, 219140580–219140591, 219140594, 219140599–219140601, 219140606–219140612, 219420185–219420187, 219610415–219610437
Status: Unutilized
Reason: Within 2000 ft. of flammable or explosive material, Floodway, Secured Area.

21 Bldgs.
Sunflower Army Ammunition Plant
35425 W. 103rd Street
DeSoto Co: Johnson KS 66018–
Landholding Agency: Army
Property Number: 219040007–219040008, 219040010–219040012, 219040014–219040027, 219040030–219040031
Status: Unutilized
Reason: Within 2000 ft. of flammable or explosive material, Floodway

55 Bldgs.
Fort Riley
Ft. Riley Co: Geary KS 66442–
Landholding Agency: Army
Property Number: 219430040, 219530100–219530101, 219530112–219530125, 219610451–219610468, 219610613–219610626, 219620454, 219620825–219620826, 219630085, 219810036
Status: Unutilized
Reason: Extensive deterioration

11 Latrines
Sunflower Army Ammunition Plant
35425 West 103rd Street
DeSoto Co: Johnson KS 66018–
Landholding Agency: Army
Property Number: 219140578–219140579, 219140593, 219140595–2191400598, 219140602–219140605
Status: Unutilized
Reason: Detached Latrine

68 Bldgs. Sunflower Army Ammunition Plant
DeSoto Co: Johnson KS 66018–
Landholding Agency: Army
Property Number: 219240333–219240383, 219240387, 219240389, 219240390, 219240394, 219240402, 219240410–2192400416, 2192400420, 219240434–2192400437
Status: Unutilized
Reason: Secured Area, Within 2000 ft. of flammable or explosive material, Extensive deterioration

121 Bldgs.
Kansas Army Ammunition Plant
Parsons Co: Labette KS 67357
Landholding Agency: Army
Property Number: 219620518–219620638
Status: Unutilized
Reason: Secured Area

Bldgs. P–177, P–417
Fort Leavenworth
Leavenworth KS 66027
Landholding Agency: Army
Property Number: 219740028–219740029
Status: Unutilized
Reason: Extensive deterioration, Sewage pump station

7 Bldgs., Fort Riley
Ft. Riley KS 66442
Location: T9202, 9206, 9222, 9226, 9242, 9262, 9266
Landholding Agency: Army
Property Number: 219810037
Status: Unutilized
Reason: Detached latrines

Kentucky

Bldg. 126
Lexington-Blue Grass Army Depot
Lexington Co: Fayette KY 40511–
Location: 12 miles northeast of Lexington, Kentucky
Landholding Agency: Army
Property Number: 219011661
Status: Unutilized
Reason: Secured Area; Sewage treatment facility

Bldg. 12
Lexington-Blue Grass Army Depot
Lexington Co: Fayette KY 40511–
Location: 12 miles Northeast of Lexington Kentucky
Landholding Agency: Army
Property Number: 219011663
Status: Unutilized
Reason: Industrial waste treatment plant

5 Bldgs., Fort Knox
Ft. Knox Co: Hardin KY 40121–
Landholding Agency: Army
Property Number: 219320113–219320115, 219410146, 219630081
Status: Unutilized
Reason: Extensive deterioration

42 Bldgs., Fort Campbell
Ft. Campbell Co: Christian KY 42223
Landholding Agency: Army
Property Number: 219730038–219730069, 219740030–219740038, 219810038
Status: Unutilized
Reason: Extensive deterioration

Louisiana

509 Bldgs.
Louisiana Army Ammunition Plant
Doylin Co: Webster LA 71023–
Landholding Agency: Army
Property Number: 219011668–219011670, 219011714–219011716, 219011735–219011737, 25219012112, 219013571–219013572, 219013863–219013869, 219110127, 219110131, 219110136, 219120290, 219240138–219240150, 219420332,219610049–219610263, 219620001–219620200, 219620745–219620801
Status: Unutilized
Reason: Secured Area (Most are within 2000 ft. of flammable or explosive material) (Some are extensively deteriorated)

Staff Residences
Louisiana Army Ammunition Plant
Doyline Co: Webster LA 71023–
Landholding Agency: Army
Property Number: 219120284–219120286
Status: Excess
Reason: Secured Area

24 Bldgs., Fort Polk
Ft. Polk Co: Vernon Parish LA 71459–7100
Landholding Agency: Army
Property Number: 219430339, 219520059, 219810039–219810061
Status: Unutilized
Reason: Extensive deterioration (Some are in Floodway.)

Maine

Reserve Ctr., Bldg. & 5 acres
Slager Memorial USAR Center
Union Street
Bangor Co: Penobscot ME 04401–3011
Landholding Agency: Army
Property Number: 219710097
Status: Unutilized
Reason: Within airport runway clear zone

Maintenance Bldg.
Slager Memorial USAR Center
Union Street
Bangor Co: Penobscot ME 04401–3011
Landholding Agency: Army
Property Number: 219710098
Status: Unutilized
Reason: Within airport runway clear zone

Maryland

167 Bldgs.
Aberdeen Proving Ground
Aberdeen City Co: Harford MD 21005–5001
Landholding Agency: Army
Property Number: 219011406–219011417, 219012610, 219012612, 219012614, 219012616–219012617, 219012619, 219012623, 219012625–219012629, 219012631, 219012633–219012634, 219012637–219012642, 219012645–219012651, 219012655–219012664, 219013773, 219014711–219014712, 2190110140, 219530128–219530129, 219610476–219610483, 219610485, 219610489–219610490, 219620467–219620470, 219630091–219630095, 219710099, 219730070–219730084, 219740061, 219740063–219740066, 219810070–219810127
Status: Unutilized
Reason: Most are in a secured area. (Some are within 2000 ft. of flammable or explosive material) (Some are in a floodway) (Some are extensively deteriorated)

43 Bldgs. Ft. George G. Meade
Ft. Meade Co: Anne Arundel MD 20755–
Landholding Agency: Army
Property Number: 219130059, 219140460–219140461, 219310031, 219710184–219710192, 219740067–219740089, 219810063–219810069
Status: Unutilized
Reason: Extensive deterioration

Bldgs. 132 Fort Ritchie
Ft. Ritchie Co: Washington MD 21719–5010
Landholding Agency: Army
Property Number: 219330109
Status: Underutilized
Reason: Secured Area

Bldgs. T–116, 703 Fort Detrick
Frederick Co: Frederick MD 21762–5000
Landholding Agency: Army
Property Number: 219340012, 219640063
Status: Unutilized
Reason: Extensive deterioration

Massachusetts

Material Technology Lab
405 Arsenal Street
Watertown Co. Middlesex MA 02132–
Landholding Agency: Army
Property Number: 219120161
Status: Underutilized
Reason: Within 2000 ft. of flammable or explosive material; Floodway; Secured Area

Bldg. 3462, Camp Edwards
Massachusetts Military Reservation
Bourne Co: Barnstable MA 024620–5003
Landholding Agency: Army
Property Number: 219230095
Status: Unutilized
Reason: Secured area, Extensive deterioration

Bldgs. 3596, 1209–1211 Camp Edwards
Massachusetts Military Reservation
Bourne Co: Barnstable MA 024620–5003
Landholding Agency: Army
Property Number: 219230096, 219310018–219310020
Status: Unutilized
Reason: Secured area

Bldg. 101
Hudson Family Housing
U.S. Army Soldier Systems Command
Hudson Co: Middlesex MA 01749
Landholding Agency: Army
Property Number: 219730037
Status: Unutilized
Reason: Extensive deterioration
Facility No. 0G001
LTA Granby
Granby Co: Hampshire MA
Landholding Agency: Army
Property Number: 219810062
Status: Unutilized
Reason: Extensive deterioration

Michigan

Detroit Arsenal Tank Plant
28251 Van Dyke Avenue
Warren Co: Macomb MI 48090–
Landholding Agency: Army
Property Number: 219014605
Status: Underutilized
Reason: Secured Area

Bldgs. 5755–5756
Newport Weekend Training Site
Carleton Co: Monroe MI 48166–
Landholding Agency: Army
Property Number: 219310060–219310061
Status: Unutilized
Reason: Secured Area, Extensive deterioration

25 Bldgs.
Fort Custer Training Center
2501 26th Street
Augusta Co: Kalamazoo MI 49102–9205
Landholding Agency: Army
Property Number: 219014947–219014963, 219140447–219140454
Status: Unutilized
Reason: Secured Area

Bldgs. 914, 925, 927–928, 939, 917–919
U.S. Army Garrison-Selfridge
Selfridge Air National Guard
Mt. Clemens MI 48045–5018
Landholding Agency: Army
Property Number: 219730085–219730089, 219740090–219740092
Status: Unutilized
Reason: Secured Area

Bldgs. 2044, 2066
U.S. Army Tank Armaments Command
Sebille Manor
Chesterfield Township MI 48047
Landholding Agency: Army
Property Number: 219730090
Status: Unutilized
Reason: Extensive deterioration

Minnesota

169 Bldgs.
Twin Cities Army Ammunition Plant
New Brighton Co: Ramsey MN 55112–
Landholding Agency: Army
Property Number: 219120165–219120166, 219210014–219210015, 219220227–219220235, 219240328, 219310055–219310056, 219320145–219320156, 219330096–219330108, 219340015, 219410159–219410189, 219420195–219420284, 219430059–219430064
Status: Unutilized
Reason: Secured Area (Most are within 2000 ft. of flammable or explosive material). (Some are extensively deteriorated)

Mississippi

Bldg. 8301
Mississippi Army Ammunition Plant
Stennis Space Center Co: Hancock MS 39529–7000
Landholding Agency: Army
Property Number: 219040438
Status: Unutilized
Reason: Within 2000 ft. of flammable or explosive material, Secured Area

Missouri

Lake City Army Ammo. Plant 59, 59A, 59B, 59C, 18, 94, 149, T201, 6A, 6C, 6D, 6E, 6F
Independence Co: Jackson MO 64050–
Landholding Agency: Army
Property Number: 219013666–219013669, 219530134–219530138
Status: Unutilized
Reason: Secured Area (Some are within 2000 ft. of flammable or explosive material)

9 Bldgs.
St. Louis Army Ammunition Plant
4800 Goodfellow Blvd.
St. Louis Co: St. Louis MO 63120–1798
Landholding Agency: Army
Property Number: 219120067–219120068, 219610469–219610475
Status: Unutilized
Reason: Secured Area (Some are extensively deteriorated)

10 Bldgs.
Fort Leonard Wood
Ft. Leonard Wood Co: Pulaski MO 65473–5000
Landholding Agency: Army
Property Number: 219140422–219140423, 219430070–219430078
Status: Underutilized
Reason: Within 2000 ft. of flammable or explosive material

Montana

19 Bldgs.
Fort Harrison
Ft. Harrison Co: Lewis/Clark MT 59636
Landholding Agency: Army
Property Number: 219620473–219620475, 219740093–219740101
Status: Unutilized
Reason: Within 2000 ft. of flammable or explosive material, Extensive deterioration

Nevada

7 Bldgs.
Hawthorne Army Ammunition Plant
Hawthorne Co: Mineral NV 89415–
Landholding Agency: Army
Property Number: 219011953, 219011955, 219012061–219012062, 219012106, 219013614, 219230090
Status: Unutilized
Reason: Secured Area

Bldg. 396
Hawthorne Army Ammunition Plant
Bachelor Enlisted Qtrs W/Dining Facilities
Hawthorne Co: Mineral NV 89415–
Location: East side of Decatur Street—North of Maine Avenue
Landholding Agency: Army
Property Number: 219011997
Status: Unutilized
Reason: Within airport runway clear zone, Secured Area

51 Bldgs.
Hawthorne Army Ammunition Plant
Hawthorne Co: Mineral NV 89415–
Landholding Agency: Army
Property Number: 219012009, 219012013, 219012021, 219012044, 219013615–219013651, 219013653–219013656, 219013658–219013661, 219013663, 219013665
Status: Underutilized
Reason: Secured Area (Some within airport runway clear zone; many within 2000 ft. of flammable or explosive material)

62 Concrete Explo. Mag. Stor.
Hawthorne Army Ammunition Plant
Hawthorne Co: Mineral NV 89415–
Location: North Mag. Area
Landholding Agency: Army
Property Number: 219120150
Status: Unutilized
Reason: Secured Area

259 Concrete Explo. Mag. Stor.
Hawthorne Army Ammunition Plant
Hawthorne Co: Mineral NV 89415–
Location: South & Central Mag. Areas
Landholding Agency: Army
Property Number: 219120151
Status: Unutilized
Reason: Secured Area

Facility No. 00A38
Hawthorne Army Ammunition Plant
Hawthorne Co: Mineral NV 89415
Landholding Agency: Army
Property Number: 219330119
Status: Unutilized
Reason: Extensive deterioration

New Jersey

233 Bldgs.
Armament Res. Dev. & Eng. Ctr.
Picatinny Arsenal Co: Morris NJ 07806–5000
Location: Route 15 north
Landholding Agency: Army
Property Number: 219010440–219010474, 219010476, 219010478, 219010639–219010665, 219010669–219010721, 219012423–219012424, 219012426–219012428, 219012430–219012431. 219012433–219012466, 219012469–219012472, 219012474–219012475, 219012758–219012760, 219012763–219012767, 219013787, 219014306–219014307, 219014311, 219014313–219014321, 219140617, 219230119–219230125, 219240315, 219420001–219420002, 219420006–219420008, 219510003–219510004, 219540002–219540007, 219620476, 219640480–219640482, 219740108–219740127
Status: Excess
Reason: Secured Area (Most are within 2000 ft. of flammable or explosive material.) (Some are extensively deteriorated) (Some are in a floodway)

2 Bldgs.
Fort Monmouth
Wall Co: Monmouth NJ 07719–
Landholding Agency: Army
Property Number: 219420335, 219440206
Status; Unutilized
Reason; Secure Area (Some are extensively deteriorated) (Some are in a floodway)

13 Bldgs., Military Ocean Terminal
Bayonne Co: Hudson NJ 07002–
Landholding Agency: Army
Property Number: 219013890–219013896, 219330141–219330143, 219430001, 219440200, 219520149
Status: Unutilized
Reason: Floodway, Secured Area

Structure 403B
Armament Research, Dev. & Eng. Center
Picatinny Arsenal Co: Morris NJ 07806–5000
Landholding Agency: Army
Property Number: 219510001
Status: Unutilized
Reason: Drop Tower

9 Bldgs.
Armament Rsch., Dev., & Eng. Center
Picatinny Arsenal Co: Morris NJ 07806–5000
Landholding Agency: Army
Property Number: 219530142–219530151
Status: Unutilized
Reason: Extensive deterioration (Most are in a secured area)

17 Bldgs., Fort Dix
Ft. Dix Co: Burlington, NJ 08640–5505
Landholding Agency: Army
Property Number: 219730091–219730097, 219810128–219810137
Status: Unutilized
Reason: Extensive deterioration

New Mexico

21 Bldgs.
White Sands Missile Range
White Sands Co: Dona Ana NM 88802
Landholding Agency: Army
Property Number: 219330144–219330147, 219430126–219430127, 219810138–219810152
Status: Unutilized
Reason: Extensive Deterioration

New York

Bldgs. 110, 143, 2084, 2105, 2110
Seneca Army Depot
Romulus Co: Seneca NY 14541–5001
Landholding Agency: Army
Property Number: 219240439, 219240440–219240443
Status: Unutilized
Reason: Secured Area, Extensive deterioration

Bldgs. 124, 1332, 804, 1652
U.S. Military Academy
West Point Co: Orange NY 10996
Landholding Agency: Army
Property Number: 219330148, 219610494, 219810153–219810154
Status: Unutilized
Reason: Extensive deterioration

Bldgs. 3008
Stewart Army Subpost
New Windsor Co: Orange NY 12553
Landholding Agency: Army
Property Number: 219420285
Status: Unutilized
Reason: Extensive deterioration

14 Bldgs., Fort Drum
Ft. Drum Co: Jefferson NY 13602
Landholding Agency: Army
Property Number: 219810155–219810157
Status: Unutilized
Reason: Extensive deterioration

Bldg. 1184
Constitution Island, U.S. Military Academy
Cold Springs Co: Putman NY 10516
Landholding Agency: Army
Property Number: 219630096
Status: Unutilized
Reason: Extensive deterioration

Bldg. 1537, Camp Buckner
U.S. Military Academy—West Point
Highlands Co: Orange NY 10996
Landholding Agency: Army
Property Number: 219630097
Status: Underutilized
Reason: Extensive deterioration

Parcel 19
Stewart Army Subpost, U.S. Military Academy
New Windsor Co: Orange NY 12553
Landholding Agency: Army
Property Number: 219730098
Status: Unutilized
Reason: Within airport runway clear zone

Bldgs. 12, 107
Watervliet Arsenal
Watervliet NY
Landholding Agency: Army
Property Number: 219730099–219730100
Status: Unutilized

Reason: Extensive deterioration

North Carolina

797 Bldgs., Fort Bragg
Ft. Bragg Co: Cumberland NC 28307
Landholding Agency: Army
Property Number: 219440295, 219530156–219530165, 219610495–219610500, 219610512–219610513, 219610517–219610518, 219610524–219610526, 219620478–219620480, 219630099–219630107, 219640064, 219640074, 219640085, 219640094, 219640100–219640101, 219640125–219640127, 219710100–219710112, 219710222–219710224, 219730101–219730103, 219740102–219740107, 219810161–219810170
Status: Unutilized
Reason: Extensive deterioration
Bldgs. 16, 139, 261, 273
Military Ocean Terminal
Southport Co: Brunswick NC 28461–5000
Landholding Agency: Army
Property Number: 219530155, 219810158–219810160
Status: Unutilized
Reason: Secured Area

Ohio

63 Bldgs.
Ravenna Army Ammunition Plant
Ravenna Co: Portage OH 44266–9297
Landholding Agency: Army
Property Number: 219012476–219012507, 219012509–219012513, 219012515, 219012517–219012518, 219012520, 219012522–219012523, 219012525–219012528, 219012530–219012532, 219012534–219012535, 219012537, 219013670–219013677, 219013781, 219210148
Status: Unutilized
Reason: Secured Area
7. Bldgs.
Lima Army Tank Plant
Lima OH 45804–1898
Landholding Agency: Army
Property Number: 219730104–219730110
Status: Unutilized
Reason: Secured Area
Bldgs. 49, 46, T61, T326
Defense Supply Center
Columbus Co: Franklin OH 43216–5000
Landholding Agency: Army
Property Number: 219740128, 219810171–219810173
Status: Unutilized
Reason: Extensive deterioration

Oklahoma

546 Bldgs.
McAlester Army Ammunition Plant
McAlester Co: Pittsburg OK 74501–5000
Landholding Agency: Army
Property Number: 219011674, 219011680, 219011684, 219011687, 219012113, 219013981–219013991, 219013994, 219014081–219014102, 219014104, 219014107–219014137, 219014141–219014159, 219014162, 219014165–219014216, 219014218–219014274, 219014336–219014559, 219030007–219030127, 219040004
Status: Underutilized
Reason: Secured Area (Some are within 2000 ft. of flamable or explosive material)
10 Bldgs.
Fort Sill
Lawton Co: Comanche OK 73503–
Landholding Agency: Army
Property Number: 219140529, 219140548, 219140550, 219440309, 219510023, 219610529, 219739342
Status: Unutilized
Reason: Extensive deterioration
33 Bldgs.
McAlester Army Ammunition Plant
McAlester Co: Pittsburg OK 74501
Landholding Agency: Army
Property Number: 219310050–219310053, 219320170–219320171, 219330149–219330160, 219430122–219430125, 219620485–219620490, 219630110–219630111, 219810174–219810176
Status: Unutilized
Reason: Secured Area (Some are extensively deteriorated)

Oregon

11 Bldgs.
Tooele Army Depot
Umatilla Depot Activity
Hermiston Co: Morrow/Umatilla OR 97838–
Landholding Agency: Army
Property Number: 219012174–219012176, 219012178–219012179, 219012190–219012191, 219012197–219012198, 219012217, 219012229
Status: Underutilized
Reason: Secured Area
24 Bldgs.
Tooele Army Depot
Umatilla Depot Activity
Hermiston Co: Morrow/Umatilla OR 97838–
Landholding Agency: Army
Property Number: 219012177, 219012185–219012186, 219012189, 219012195–219012196, 219012199–219012205, 219012207–219012208, 21901225, 219012279, 219014304–219014305, 219014782, 219030362–219030363, 219120032, 219320201
Status: Unutilized
Reason: Secured Area

Pennsylvania

Bldg. 82001, Reading USARC
Reading Co: Berks PA 19604–1528
Landholding Agency: Army
Property Number: 219320173
Status: Unutilized
Reason: Extensive deterioration
5 Bldgs.
Letterkenny Army Depot
Chambersburg Co: Franklin PA 17201
Landholding Agency: Army
Property Number: 219420400, 219430098, 219610531–219610536
Status: Unutilized
Reason: Secured Area, Extensive deterioration
6 Bldgs., Carlisle Barracks
Carlisle Co: Cumberland PA 17013
Landholding Agency: Army
Property Number: 219610530, 219730111–219730115
Status: Unutilized
Reason: Extensive deterioration
76 Bldgs.
Fort Indiantown Gap
Annville Co: Lebanon PA 17003–5011
Landholding Agency: Army
Property Number: 219640337, 219720093, 219730116–219730128, 219740129–219740132, 219740134, 219740137, 219810177–219810196
Status: Unutilized
Reason: Extensive deterioration

South Carolina

111 Bldgs., Fort Jackson
Ft. Jackson Co: Richland SC 29207
Landholding Agency: Army
Property Number: 219440237, 219440239, 219510017, 219620306, 219620311–219620312, 219620317–219620322, 219620333, 219620347–219620351, 219620358, 219620368, 219640129–219640168, 219640484–219640489, 219720095–219720107, 219730129–219730159, 219740138
Status: Unutilized
Reason: Extensive deterioration

Tennessee

38 Bldgs.
Volunteer Army Ammo. Plant
Chattanooga Co: Hamilton TN 37422–
Landholding Agency: Army
Property Number: 219010475, 219010483, 219010490–219010493, 219010497–219010499, 219240127–219240136, 219420304–219420307, 219430099–219430104, 219610545, 2319640169–219640170, 219710255–219710226, 219720109
Status: Unutilized/Underutilized
Reason: Secured Area (Some are within 2000 ft. of flammable or explosive material) (Some are extensively deteriorated)
32 Bldgs.
Holston Army Ammunition Plant
Kingsport Co: Hawkins TN 61299–6000
Landholding Agency: Army
Property Number: 219012304–219012309, 219012311–219012312, 219012314, 219012316–219012317, 219012319, 219012325, 219012328, 219012330, 219012332, 219012334–219012335, 219012337, 219013789–219013790, 219030266, 219140613, 219330178, 219440212–219440216, 219510025–219510028
Status: Unutilized
Reason: Secured Area (Some are within 2000 ft. of flammable or explosive material)
10 Bldgs.
Milan Army Ammunition Plant
Milan Co: Gibson TN 38358
Landholding Agency: Army
Property Number: 219240447–219240449, 219320182–219320184, 219330176–219330177, 219520034, 219740139
Status: Unutilized
Reason: Secured Area
Bldg. Z–183A
Milan Army Ammunition Plant
Milan Co: Gibson TN 38358
Landholding Agency: Army
Property Number: 219240783
Status: Unutilized
Reason: Within 2000 ft. of flammable or explosive material
Memphis USARC #2
360 W. California Ave.
Memphis Co: Shelby TN 38106
Landholding Agency: Army
Property Number: 219720108

Status: Excess
Reason: Extensive deterioration

Texas

18 Bldgs.
Lone Star Army Ammunition Plant
Highway 82 West
Texarkana Co: Bowie TX 75505–9100
Landholding Agency: Army
Property Number: 219012524, 219012529, 219012533, 219012536, 219012539–219012540, 219012542, 219012544–219012545, 219030337–219030345
Status: Unutilized
Reason: Within 2000 ft. of flammable or explosive material, Secured Area

95 Bldgs.
Longhorn Army Ammunition Plant
Karnack Co: Harrison TX 75661–
Location: State highway 43 north
Landholding Agency: Army
Property Number: 219012546, 219012548, 219610553–219610584, 219610635, 21962043–219620291, 219620827–219620837
Status: Unutilized
Reason: Secured Area (Most are within 2000 ft. of flammable or explosive material)

27 Bldgs., Red River Army Depot
Texarkana Co: Bowie TX 75507–5000
Landholding Agency: Army
Property Number: 219230110–219230115, 219330163, 219420314–219420327, 219430093–219430097, 219440217
Status: Unutilized
Reason: Secured Area (Some are extensively deteriorated)

Bldg. T–5000
Camp Bullis
San Antonio Co: Bexar TX 78234–5000
Landholding Agency: Army
Property Number: 219220100
Status: Underutilized
Reason: Within 2000 ft. of flammable or explosive material

Bldg. 57012, Fort Hood
Ft. Hood Co: Bell TX 76544
Landholding Agency: Army
Property Number: 219520061
Status: Unutilized
Reason: Extensive deterioration

49 Bldgs., Fort Sam Houston
San Antonio Co: Bexar TX 78234–5000
Landholding Agency: Army
Property Number: 219330473, 219340095, 219610549–219610551, 219640172, 219640175, 219640177, 219640182–219640185, 219730187–219730201, 219810197–219810202
Status: Unutilized
Reason: Extensive deterioration

Bldgs. T–2916, T–3180, T–3192, T–3398, T–2915
Fort Sam Houston
San Antonio Co: Bexar TX 78234–5000
Landholding Agency: Army
Property Number: 219330476–219330479, 219640181
Status: Unutilized
Reason: Detached latrines

68 Bldgs. Fort Bliss
El Paso Co: El Paso TX 79916
Landholding Agency: Army
Property Number: 219640490–219640492, 219730160–219730186, 219740140–219740151
Status: Unutilized
Reason: Extensive deterioration

Starr Ranch, Bldg. 703B
Longhorn Army Ammunition Plant
Karnack Co: Harrison TX 75661
Landholding Agency: Army
Property Number: 219640186, 219640494
Status: Unutilized
Reason: Floodway

Utah

3 Bldgs.
Tooele Army Depot
Tooele Co: Tooele UT 84074–5008
Landholding Agency: Army
Property Number: 219012153, 219012166, 219030366
Status: Unutilized
Reason: Secured area

10 Bldgs.
Tooele Army Depot
Tooele Co: Tooele UT 84074–5008
Landholding Agency: Army
Property Number: 219012143–219012144, 219012148–219012149, 219012152, 219012155, 219012156, 219012158, 219012751, 219240267
Status: Underutilized
Reason: Secured area

3 Bldgs.
Dugway Proving Ground
Dugway Co: Tooele UT 84022–
Landholding Agency: Army
Property Number: 219013997, 219130012, 219130015
Status: Underutilized
Reason: Secured area

16 Bldgs.
Dugway Proving Ground
Dugway Co: Toole UT 84022–
Landholding Agency: Army
Property Number: 219330181–219330182, 219330185, 219420328–219420329, 219710227–219710228
Status: Unutilized
Reason: Secured area

Bldg. 4520
Tooele Army Depot, South Area
Tooele Co: Tooele UT 84074–5008
Landholding Agency: Army
Property Number: 219240268
Status: Unutilized
Reason: Extensive deterioration

Virginia

175 Bldgs.
Radford Army Ammunition Plant
Radford Co: Montgomery VA 24141–
Location: State Highway 114
Landholding Agency: Army
Property Number: 219010833, 219010836, 219010839, 219010842, 219010844, 219010847–219010890, 219010892–219010912, 219011521–219011577, 219011581–219011583, 219011585, 219011588, 219011591, 219013559–219013570, 219110142–219110143, 219120071, 219140618–219140633, 219440219–219440225, 219510031–219510033, 219610607–219610608
Status: Unutilized
Reason: Within 2000 ft. of flammable or explosive material, Secured Area

13 Bldgs.
Radford Army Ammunition Plant
Radford Co: Montgomery VA 24141–
Location: State Highway 114
Landholding Agency: Army
Property Number: 219010834–219010835, 219010837–219010838, 219010840–219010841, 219010843, 219010845–219010846, 219010891, 219011578–219011580
Status: Unutilized
Reason: Within 2000 ft. of flammable or explosive material, Secured Area, Latrine, detached structure

98 Bldgs.
U.S. Army Combined Arms Support Command
Fort Lee Co: Prince George VA 23801–
Landholding Agency: Army
Property Number: 219240107, 219330202–219330203, 219330206, 219330210–219330211, 2199330219–219330220, 219330225–219330228, 219520062, 219610595, 219610597, 219620497, 219620503, 219620505, 219620507, 219620856, 219620863–219620876, 219630114–219630115, 219640188–219640192, 219640496–219640503, 219740154–219740160, 219810204
Status: Unutilized
Reason: Extensive deterioration (Some are in a secured area.)

16 Bldgs.
Radford Army Ammunition Plant
Radford VA 24141–
Landholding Agency: Army
Property Number: 219220210–219220218, 219230100–219230103, 219520037
Status: Unutilized
Reason: Secured Area

Bldg. B7103–01, Motor House
Radford Army Ammunition Plant
Radford VA 24141–
Landholding Agency: Army
Property Number: 219240324
Status: Unutilized
Reason: Secured Area Within 2000 ft. of flammable or explosive material, Extensive deterioration

Bldg. 171 Fort Monroe
Ft Monroe VA 23651
Landholding Agency: Army
Property Number: 219520051
Status: Unutilized
Reason: Extensive Deterioration

56 Bldgs.
Red Water Field Office
Radford Army Ammunition Plant
Radford VA 24141–
Landholding Agency: Army
Property Number: 219430341–219430396
Status: Unutilized
Reason: Within 2000 ft. of flammable or explosive material, Secured Area

Bldgs. SS1238, TT806, T00399
Fort A.P. Hill
Bowling Green Co: Caroline VA 22427
Landholding Agency: Army
Property Number: 219510030, 219610588, 219630113
Status: Underutilized
Reason: Secured Area, Extensive deterioration

Bldgs. 2013–00, B2013–00, A1601–00
Radford Army Ammunition Plant
Radford VA 24141
Landholding Agency: Army
Property Number: 219520052, 219530194

Status: Unutilized
Reason: Extensive deterioration

21 Bldgs., Fort Eustis
Ft. Eustis VA 23604
Landholding Agency: Army
Property Number: 219610586–219610587, 219640507, 219740152–219740153, 219810204
Status: Unutilized
Reason: Extensive deterioration

Bldgs. 1426–1428, 1430–1431
Fort Belvoir
Ft. Belvoir Co: Fairfax VA 22060–5116
Landholding Agency: Army
Property Number: 219610609–219610610
Status: Unutilized
Reason: Extensive deterioration

2 Bldgs.
Fort Story
Ft. Story Co: Princess Ann VA 23459
Landholding Agency: Army
Property Number: 219640506, 219710193
Status: Unutilized
Reason: Extensive deterioration

Washington

163 Bldgs., Fort Lewis
Ft. Lewis Co: Pierce WA 98433–5000
Landholding Agency: Army
Property Number: 219440233–219440234, 219510036, 219610001–219610002, 219610006–219610007, 219610009–219610010, 219610012–219610013, 219610042–219610048, 219620509–219620517, 219640193, 219710194, 219720142–219720151, 219740161, 219810205–219810243
Status: Unutilized
Reason: Secured Area, Extensive deterioration

Moses Lake U.S. Army Rsv Ctr
Grant County Airport
Moses Lake Co: Grant WA 98837
Landholding Agency: Army
Property Number: 219630118
Status: Unutilized
Reason: Within airport runway clear zone

11 Bldgs., Fort Lewis
Huckleberry Creek Mountain Training Site
Co: Pierce WA
Landholding Agency: Army
Property Number: 219740162–219740172
Status: Unutilized
Reason: Extensive deterioration

Wisconsin

6 Bldgs.
Badger Army Ammunition Plant
Baraboo Co: Sauk WI 53913–
Landholding Agency: Army
Property Number: 219011094, 219011209–219011212, 219011217
Status: Underutilized
Reason: Within 2000 ft. of flammable or explosive material, Friable asbestos, Secured Area

154 Bldgs.
Badger Army Ammunition Plant
Baraboo Co: Sauk WI 53913–
Landholding Agency: Army
Property Number: 219011104, 219011106, 219011108–219011113, 219011115–219011117, 219011119–219011120, 219011122–219011139, 219011141–219011142, 219011144, 219011148–219011208, 219011213–219011216, 219011218–219011234, 219011236, 219011238, 219011240, 219011242, 219011244, 219011247, 219011249, 219011251, 219011254, 219011256, 219011259, 219011263, 219011265, 219011268, 219011270, 219011275, 219011277, 219011280, 219011282, 219011284, 219011286, 219011290, 219011293, 219011295, 219011297, 219011300, 219011302, 219011304–219011311, 219011317, 219011319–219011321, 219011323
Status: Unutilized
Reason: Within 2000 ft. of flammable or explosive material, Friable asbestos, Secured Area

4 Bldgs.
Badger Army Ammunition Plant
Baraboo Co: Sauk WI
Landholding Agency: Army
Property Number: 219013871–219013873, 219013875
Status: Underutilized
Reason: Secured Area

31 Bldgs.
Badger Army Ammunition Plant
Baraboo Co: Sauk WI
Landholding Agency: Army
Property Number: 219013876–219013878, 219220295–219220311, 219510058–219510068
Status: Unutilized
Reason: Secured Area

316 Bldgs.
Badger Army Ammunition Plant
Baraboo Co: Sauk WI 53913–
Landholding Agency: Army
Property Number: 219210097–219210099, 219740184–219740271
Status: Unutilized
Reason: Within 2000 ft. of flammable or explosive material, Secured Area

86 Bldgs., Fort McCoy
US Hwy. 21
Ft. McCoy Co: Monroe WI 54656–
Landholding Agency: Army
Property Number: 219240206–219240236, 219240243, 219310209, 219310213–219310225, 219620294–219620295, 219630119–219630123, 219640195, 219730207
Status: Unutilized
Reason: Extensive deterioration

Bldg. 6513–3
Badger Army Ammunition Plant
Baraboo Co: Sauk WI 53913
Landholding Agency: Army
Property Number: 219510057
Status: Unutilized
Reason: Detached Latrine

124 Bldgs.
Badger Army Ammunition Plant
Baraboo Co: Sauk WI 53913
Landholding Agency: Army
Property Number: 219510069–219510077
Status: Unutilized
Reason: Secured Area, Extensive deterioration

Bldg. GASCH
Fort McCoy
Ft. McCoy Co: Monroe WI 54656–5163
Landholding Agency: Army
Property Number: 219730208
Status: Unutilized
Reason: Gas Chamber

Land (by State)

Alabama

23 acres and 2284 acres
Alabama Army Ammunition Plant
110 Hwy 235
Childersburg Co: Talladega AL 35044–
Landholding Agency: Army
Property Number: 219210095–219210096
Status: Excess
Reason: Secured Area

Alaska

Campbell Creek Range
Fort Richardson
Anchorage Co: Greater Anchorage AK 99507
Landholding Agency: Army
Property Number: 219230188
Status: Unutilized
Reason: Inaccessible

California

69 acres
Santa Rosa High Frequency Radio Station
Santa Rosa CA
Landholding Agency: Army
Property Number: 219720219
Status: Underutilized
Reason: Secured Area

Illinois

Group 66A
Joliet Army Ammunition Plant
Joliet Co: Will IL 60436–
Landholding Agency: Army
Property Number: 219010414
Status: Unutilized
Reason: Within 2000 ft. of flammable or explosive material, Secured Area

Parcel 1
Joliet Army Ammunition Plant
Joliet Co: Will IL i60436–
Location: South of the 811 Magazine Area, adjacent to the River Road
Landholding Agency: Army
Property Number: 219012810
Status: Excess
Reason: Within 2000 ft. of flammable or explosive material, Floodway

Parcel No. 2, 3
Joliet Army Ammunition Plant
Joliet Co: Will IL 60436–
Landholding Agency: Army
Property Number: 219013796–219013797
Status: Underutilized
Reason: Within 2000 ft. of flammable or explosive material, Floodway

Parcel No. 4, 5, 6
Joliet Army Ammunition Plant
Joliet Co: Will IL 60436–
Landholding Agency: Army
Property Number: 219013798–219013800
Status: Unutilized
Reason: Within 2000 ft. of flammable or explosive material, Floodway

Indiana

Newport Army Ammunition Plant
East of 14th St. & North of S. Blvd.
Newport Co: Vermillion IN 47966–
Landholding Agency: Army
Property Number: 219012360
Status: Unutilized
Reason: Within 2000 ft. of flammable or explosive material, Secured Area

Land—Plant 2
Indiana Army Ammunition Plant

Charlestown Co: Clark IN 47111
Landholding Agency: Army
Property Number: 219330095
Status: Unutilized
Reason: Within 2000 ft. of flammable or explosive material

Maryland

Carroll Island, Graces Quarters
Aberdeen Proving Ground
Edgewood Area
Aberdeen City Co: Harford MD 21010–5425
Landholding Agency: Army
Property Number: 219012630, 219012632
Status: Underutilized
Reason: Floodway, Secured Area

Minnesota

Portion of R.R. Spur
Twin Cities Army Ammunition Plant
New Brighton Co: Ramsey MN 55112
Landholding Agency: Army
Property Number: 219620472
Status: Unutilized
Reason: Landlocked

New Jersey

Land
Armament Research Development & Eng. Center
Route 15 North
Picatinny Arsenal Co: Morris NJ 07806–
Landholding Agency: Army
Property Number: 219013788
Status: Unutilized
Reason: Secured Area

Spur Line/Right of Way
Armament Rsch., Dev., & Eng. Center
Picatinny Arsenal Co: Morris NJ 07806–5000
Landholding Agency: Army
Property Number: 219530143
Status: Unutilized
Reason: Floodway

Ohio

0.4051 acres, Lot 40 & 41
Ravenna Army Ammunition Plant
Ravenna Co: Portage OH 44266–9297
Landholding Agency: Army
Property Number: 219630109
Status: Excess
Reason: Within 2000 ft. of flammable or explosive material

Oklahoma

McAlester Army Ammo. Plant
McAlester Army Ammunition Plant
McAlester Co: Pittsburgh OK 74501–
Landholding Agency: Army
Property Number: 219014603
Status: Underutilized
Reason: Within 2000 ft. of flammable or explosive material

Texas

Land—Approx. 50 acres
Lone Star Army Ammunition Plant
Texarkana Co: Bowie TX 75505–9100
Landholding Agency: Army
Property Number: 219420308
Status: Unutilized
Reason: Secured Area
Land—all of block 1800
Fort Sam Houston
Portions of 1900, 3100, 3200
San Antonio Co: Bexar TX 78234–5000
Landholding Agency: Army
Property Number: 219530184
Status: Excess
Reason: Floodway

Land—Harrison Bayou
Longhorn Army Ammunition Plant
Karnack Co: Harrison TX 75661
Landholding Agency: Army
Property Number: 219640187
Status: Unutilized
Reason; Within 2000 ft. of flammable or explosive material, Floodway

Land—.036 acres
Fort Sam Houston
San Antonio Co: Bexar TX 78234–5000
Landholding Agency: Army
Property Number: 219730202
Status: Unutilized
Reason: Within 2000 ft. of flammable or explosive material

Virginia

Fort Belvoir Military Reservation—5.6 Acres
South Post located West of Pohick Road
Fort Belvoir Co: Fairfax VA 22060–
Location: Rightside of King Road
Landholding Agency: Army
Property Number: 219012550
Status: Unutilized
Reason: Within airport runway clear zone, Secured Area

Wisconsin

Land
Badger Army Ammunition Plant
Baraboo Co: Sauk WI 53913–
Location: Vacant land within plant boundaries.
Landholding Agency: Army
Property Number: 219013783
Status: Unutilized
Reason: Secured Area

[FR Doc. 98–5486 Filed 3–5–98; 8:45 am]

BILLING CODE 4210–29–M

DEPARTMENT OF THE INTERIOR

Fish and Wildlife Service

Endangered and Threatened Species Permit Applications

ACTION: Notice of Receipt of Applications.

SUMMARY: The following applicants have applied for a permit to conduct certain activities with endangered species. This notice is provided pursuant to section 10(a) of the Endangered Species Act of 1973, as amended (16 U.S.C. 1531, *et seq.*).

Permit No. PRT—837751

Applicant: Dennis E. Schroeder, Bureau of Reclamation, Phoenix, Arizona.

Applicant requests authorization to conduct presence/absence surveys for southwestern willow flycatchers (*Empidonax traillii extimus*) in Arizona.

Permit No. PRT—837597

Applicant: Jeffrey S. Hartin, Mazatzal Nature Company, Flagstaff, Arizona.

Applicant requests authorization to conduct presence/absence surveys for Mexican spotted owls (*Stix occidentalis lucida*) in the Peaks Ranger District of the Coconino National Forest in Arizona.

Permit No. PRT—838600

Applicant: Larry Killman, Wellton-Mohawk Irrigation and Drainage District.

Applicant requests authorization to conduct presence/absence surveys for southwestern willow flycatchers (*Empidonax traillii extimus*) on the Gila River in Yuma County, Arizona.

Permit No. PRT—819458

Applicant: William E. Wellman, Organ Pipe Cactus National Monument, Ajo, Arizona.

Applicant requests authorization to conduct presence/absence surveys for southwestern willow flycatchers (*Empidonax traillii extimus*) in Grand Canyon National Park.

Permit No. PRT—797129

Applicant: Dr. James P. Collins, Arizona State University, Tempe, Arizona.

Applicant requests authorization to conduct presence/absence surveys and related activities for scientific research and recovery purposes for Sonora tiger salamanders (*Ambystoma tigrinum stebbinsi*).

Permit No. PRT—839503

Applicant: Charles Rex Wahl, Entranco, Inc., Phoenix, Arizona.

Applicant requests authorization to conduct presence/absence surveys for Yuma clapper rails (*Rallus longirostris yumanensis*) in Texas; bald eagles (*Haliaeetus leucocephalus*) in Arizona; cactus ferruginous pygmy-owls (*Glaucidium brasilianum cactorum*) in Arizona and Texas; piping plovers (*Charadrius melodus*) in Texas; southwestern willow flycatchers (*Empidonax traillii extimus*) in Arizona, New Mexico and Texas; black-capped vireos (*Vireo atricapillus*) and golden-cheeked warblers (*Dendroica chrysoparia*) in Texas.

Permit No. PRT—839504

Applicant: Ralph Brewer, Tucson, Arizona.

Applicant requests authorization to conduct presence/absence surveys for cactus ferruginous pygmy-owls (*Glaucidium brasilianum cactorum*) in Pima and Santa Cruz Counties in Arizona.

Permit No. PRT—839505

Applicant: Aaron D. Flesch, Flagstaff, Arizona.

Applicant requests authorization to conduct presence/absence surveys for cactus ferruginous pygmy-owls (*Glaucidium brasilianum cactorum*) in Pima County, Arizona.

Permit No. PRT—839506

Applicant: Michael H. Winn, Ecological Restoration & Management Associates, Tucson, Arizona.

Applicant requests authorization to conduct presence/absence surveys for cactus ferruginous pygmy-owls (*Glaucidium brasilianum cactorum*) in Pima County, Arizona.

Permit No. PRT—839510

Applicant: Michael J. Terrio, Tucson, Arizona.

Applicant requests authorization to conduct presence/absence surveys for cactus ferruginous pygmy-owls (*Glaucidium brasilianum cactorum*) within Arizona.

Permit No. PRT—827726

Applicant: Charles R. Bazan, Tonto National Forest, Phoenix, Arizona.

Applicant requests authorization to conduct presence/absence surveys for cactus ferruginous pygmy-owls (*Glaucidium brasilianum cactorum*) on the Tonto National Forest.

DATES: Written comments on these permit applications must be received on or before April 6, 1998.

ADDRESSES: Written data or comments should be submitted to the Legal Instruments Examiner, Division of Endangered Species/Permits, Ecological Services, P.O. Box 1306, Albuquerque, New Mexico 87103. Please refer to the respective permit number for each application when submitting comments. All comments received, including names and addresses, will become part of the official administrative record and may be made available to the public.

FOR FURTHER INFORMATION CONTACT: U.S. Fish and Wildlife Service, Ecological Services, Division of Endangered Species/Permits, P.O. Box 1306, Albuquerque, New Mexico 87103. Please refer to the respective permit number for each application when requesting copies of documents. Documents and other information submitted with these applications 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, to the address above.

Renne Lohoefener,

ARD-Ecological Services, Region 2, Albuquerque, New Mexico.

[FR Doc. 98–5794 Filed 3–5–98; 8:45 am]

BILLING CODE 4310–55–P

DEPARTMENT OF THE INTERIOR

Fish and Wildlife Service

Endangered and Threatened Species Permit Applications

AGENCY: Fish and Wildlife Service, Interior.

ACTION: Notice of receipt of applications.

The following applicants have applied for permits to conduct certain activities with endangered species. This notice is provided pursuant to section 10(c) of the Endangered Species Act of 1973, as amended (16 U.S.C. 1531, *et seq.*).

PRT–838058 A1

Applicant: U.S. Army Corps of Engineers, Environmental Analysis Branch, Memphis, Tennessee; Kristin J. Pelizza, Principal Investigator.

The applicant requests an amendment to permit PRT–838058, which allows take (capture and release) of fat pocketbook [*Potamilus* (=*Proptera*) *capax*], pink mucket pearlymussel [*Lampsilis abrupta* (=*orbiculata*)], and winged mapleleaf mussel (*Quadrula fragosa*) in Missouri. A request has been made in the current application for a permit to allow take (capture and release) of the same species in Arkansas, Mississippi, and Tennessee as well. Activities are proposed to document presence or absence of the species for the purpose of survival and enhancement of the species in the wild.

PRT–839762

Applicant: Owen A. Perkins, Royal Oak, Michigan.

The applicant requests a permit to take (capture and release; collect voucher specimens) Karner blue butterfly (*Lycaeides melissa samuelis*) and Mitchell satyr's butterfly (*Neonympha mitchellii mitchellii*) in the state of Michigan. Activities are proposed to document presence or absence of the species for the purpose of survival and enhancement of the species in the wild.

PRT–839763

Applicant: John O. Whitaker, Jr., Indiana State University, Terre Haute, Indiana.

The applicant requests a permit to take (capture, handle, radio-tag, and release) gray bat (*Myotis grisescens*) and Indiana bat (*M. sodalis*) in Indiana and Iowa. Activities are proposed for the purpose of scientific research aimed at enhancement and survival of the species in the wild.

PRT839764

Applicant: John E. Schwegman, Metropolis, Illinois.

The applicant requests a permit to take (salvage dead shells) Alabama lampmussel (*Lampsilis virescens*), Appalachian monkeyface pearlymussel (*Quadrula sparsa*), Appalachian elktoe (*Alasmidonta raveneliana*), birdwing pearlymussel (*Conradilla caelata*), clubshell (*Pleurobema clava*), Coosa moccasinshell (*Medionidus parvulus*), cracking pearlymussel [*Hemistena* (=*Lastena*) *lata*], Cumberland bean pearlymussel [*Villosa* (=*Micromya*) *trabalis*], Cumberland monkeyface pearlymussel (*Quadrula intermedia*), Cumberland pigtoe (=Cumberland pigtoe mussel) (*Pleurobema gibberum*), Curtis' pearlymussel [*Epioblasma* (=*Dysnomia*) *florentina* curtisi], dromedary pearlymussel (*Dromus dromas*), fanshell [*Cyprogenia stegaria* (=*irrorata*)], fat pocketbook [*Potamilus* (=*Proptera*) *capax*], fine-rayed pigtoe (*Fusconaia cuneolus*), green-blossom pearlymussel [*Epioblasma* (=*Dysnomia*) *torulosa gubernaculum*], Higgins' eye pearlymussel (*Lampsilis higginsi*), little-wing pearlymussel (*Pegias fabula*), northern riffleshell (*Epioblasma torulosa rangiana*), orange-foot pimple back pearlymussel (*Plethobasus cooperianus*), ovate clubshell (*Pleurobema perovatum*), pale lilliput pearlymussel [*Toxolasma* (=*Carunculina*) *cylindrellus*], pink mucket pearlymussel [*Lampsilis abrupta* (=*orbiculata*)], purple cat's paw pearlymussel [*Epioblasma* (=*Dysnomia*) *obliquata obliquata* (=*sulcata sulcata*)], ring pink mussel (=golf stick pearly), (*Obovaria retusa*), rough pigtoe (*Pleurobema plenum*), shiny pigtoe [*Fusconaia cor* (=*edgariana*)], southern pigtoe (*Pleurobema georgianum*), southern acornshell (*Epioblasma othcaloogensis*), tan riffleshell (*Epioblasma walkeri*), triangular kidneyshell (*Ptychobranchus greeni*), tubercled-blossom pearlymussel [*Epioblasma* (=*Dysnomia*) *torulosa torulosa*], turgid-blossom pearlymussel [*Epioblasma* (=*Dysnomia*) *turgidula*], upland combshell (*Epioblasma metastriata*), white cat's paw pearlymussel [*Epioblasma* (=*Dysnomia*) *obliquata perobliqua*], white wartyback pearlymussel (*Plethobasus cicatricosus*), winged mapleleaf mussel (*Quadrula fragosa*), and yellow-blossom pearlymussel [*Epioblasma* (=*Dysnomia*) *florentina florentina*] in Illinois, Indiana, Kentucky, Missouri, and Tennessee. Activities are proposed for the purpose of scientific research aimed at enhancement and survival of the species in the wild.

PRT–839766

Applicant: Patrick Redig, The Raptor Center at the University of Minnesota, St. Paul, Minnesota.

The applicant requests a permit to take (trap, radio-tag, and release; and re-trap, remove radio tags, and release) peregrine falcons (*Falco peregrinus*) in the states of Minnesota and Wisconsin. Activities are proposed for the purpose of scientific researched aimed at enhancement and survival of the species in the wild.

PRT–839774

Applicant: Michael J. Harvey, Cookeville, Tennessee.

The applicant requests a permit to take (capture and release) grey bat (*Myotis grisescens*), Indiana bat (*M. sodalis*), Ozark big-eared bat (*Plecotus townsendii ingens*), and Virginia big-eared bat (*P. townsendii virginianus*) throughout the ranges of the species. Activities are proposed for the purpose of presence or absence surveys aimed at survival and enhancement of the species in the wild.

PRT–839777

Applicant: Don R. Helms, Helms & Associates, Bellevue, Iowa.

The applicant requests a permit to take (capture, release, and translocate) Higgin's eye pearlymussel (*Lampsilis higginsi*) in the states of Illinois and Iowa. Activities are proposed to document presence or absence of the species for the purpose of survival and enhancement of the species in the wild and to translocate as authorized in a U.S. Fish and Wildlife Service Biological Opinion.

PRT–839779

Applicant: Bruce A. Kingsbury, Purdue University, Fort Wayne, Indiana.

The applicant requests a permit to take (harass through survey, capture, hold, radio-tag, and release) copper belly water snake (northern population) (*Nerodia erythrogaster neglecta*) throughout the range of the species. Activities are proposed to document presence or absence of the species and to conduct scientific research aimed at the survival and enhancement of the species in the wild.

PRT–839782

Applicant: Bob Vande Kopple, University of Michigan Biological Station, Pellston, Michigan.

The applicant requests a permit to take (harass through survey, capture, and release) Hungerford's crawling water beetle (*Brychius hungerfordi*) in the states of Michigan and Wisconsin. Activities are proposed to document presence or absence of the species for the purpose of survival and enhancement of the species in the wild.

Written data or comments should be submitted to the Regional Director, U.S. Fish and Wildlife Service, Ecological Services Operations, 1 Federal Drive, Fort Snelling, Minnesota 55111–4056, and must be received within 30 days of the date of this publication.

Documents and other information submitted with these applications are available for review by any party who submits a written request for a copy of such documents to the following office within 30 days of the date of publication of this notice: U.S. Fish and Wildlife Service, Ecological Services Operations, 1 Federal Drive, Fort Snelling, Minnesota 55111–4056. Telephone: (612/713–5332); FAX: (612/713–5292).

Dated: February 26, 1998.

Matthias A. Kerschbaum,

Acting Assistant Regional Director, IL, IN, MO (Ecological Services), Region 3, Fort Snelling, Minnesota.

[FR Doc. 98–5795 Filed 3–5–98; 8:45 am]

BILLING CODE 4310–55–P

DEPARTMENT OF THE INTERIOR

Fish and Wildlife Service

Notice of Availability of a Technical/Agency Draft Multi-Species Recovery Plan for the Threatened and Endangered Species of South Florida

AGENCY: Fish and Wildlife Service, Interior.

ACTION: Notice of document availability and public comment period.

SUMMARY: The Fish and Wildlife Service (Service) announces the availability for public review of Volume I of a two volume draft multi-species recovery plan for the threatened and endangered species of South Florida and the ecosystems upon which they depend. Volume I contains information on the individual species as well as their recovery goals, criteria, and tasks. These species may occur only in South Florida, or throughout the state, southeastern United States, and the world. Volume II will focus on the ecosystems these species depend upon. The Service solicits review and comments from the public on Volume I of the draft recovery plan.

DATES: Comments on the draft recovery plan must be received on or before September 30, 1998, to ensure consideration by the Service.

ADDRESSES: Copies of the draft recovery plan can be obtained by contacting the U.S. Fish and Wildlife Service Publications Unit, National Conservation Training Center, c/o Aramark, Rt. 1 Box 166, Shepherd Grade Rd., Shepherdstown, West Virginia 25443. The Service is encouraging that requests for copies be for the CD–ROM version as the hard copy encompasses approximately 1,100 pages. Written comments and materials regarding the plan should be addressed to Dawn Jennings, South Florida Field Office, 1360 U.S. Highway 1, Suite 5, Vero Beach, Florida 32960. Comments and materials received are available on request for public inspection, by appointment, during normal business hours at the South Florida Field Office.

FOR FURTHER INFORMATION CONTACT: Dawn Jennings at the South Florida Field Office (561) 562–3909 for information on the recovery plan; the U.S. Fish and Wildlife Service Publications Unit (304) 876–7203 for additional copies of the draft recovery plan.

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 Fish and Wildlife Service's threatened and endangered species program. To help guide the recovery effort, the Service prepares recovery plans for most of the listed species native to the United States. Recovery plans describe actions that may be necessary for conservation of these species, establish criteria for the recovery levels for reclassification from endangered to threatened status or removal from the list, and estimate the time and cost for implementing the needed recovery measures.

The Endangered Species Act of 1973 (Act), as amended (16 U.S.C. *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 requires that public notice and an opportunity for public review and comment be provided during the 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 will take these comments into account in the course of implementing approved recovery plans.

The Multi-Species Recovery Plan identifies the recovery and restoration needs of 68 threatened and endangered species and their habitats in the South Florida Ecosystem—an area

encompassing 67,346 square kilometers covering the 19 southernmost counties in Florida, using an ecosystem-wide approach. The species addressed in this plan are found throughout South Florida. Some are endemic to this area, others range outside of South Florida, and some of the species included in this plan migrate through or winter in South Florida. These species use every vegetative, terrestrial, and aquatic community present in South Florida. The status of these species varies, although very few show an increasing trend. These species include:

Status	Species	Scientific name
	Mammals	
E	Florida panther	*Puma (=Felis) concolor coryi.*
E	Key deer	*Odocoileus virginianus clavium.*
E	Key Largo cotton mouse	*Peromyscus gossypinus allapaticola.*
E	Key Largo woodrat	*Neotoma floridana smalli.*
E	Silver rice rat	*Oryzomys palustris natator (=O. argentatus).*
E	Lower Keys marsh rabbit	*Sylvilagus palustris hefneri.*
T	Southeastern beach mouse	*Peromyscus polionotus niveiventris.*
E	West Indian manatee	*Trichechus manatus.*
	Birds:	
T	Audubon's crested caracara	*Polyborus plancus audubonii.*
E	Bachman's warbler	*Vermivora bachmanii.*
T	Bald eagle	*Haliaeetus leucocephalus.*
E	Cape Sable seaside sparrow	*Ammodramus (=Ammospiza) maritimus mirabilis.*
E	Snail kite	*Rostrhamus sociabilis plumbeus.*
E	Florida grasshopper sparrow	*Ammodramus savannarum floridanus.*
T	Florida scrub-jay	*Aphelocoma coerulescens.*
E	Ivory-billed woodpecker	*Campephilus principalis.*
E	Kirtland's warbler	*Dendroica kirtlandii.*
T	Piping plover	*Charadrius melodus.*
E	Red-cockaded woodpecker	*Picoides (=Drendrocopos) borealis.*
T	Roseate tern	*Sterna dougallii dougallii.*
E	Wood stork	*Mycteria americana.*
	Reptiles	
E	American crocodile	*Crocodylus acutus.*
T	Atlantic salt marsh snake	*Nerodia clarkii (=fasciata) taeniata.*
T	Bluetail (blue-tailed) mole skink	*Eumeces egregius lividus.*
T	Eastern indigo snake	*Drymarchon corais couperi.*
E	Green sea turtle	*Chelonia mydas.*
E	Hawksbill sea turtle	*Eretmochelys imbricata.*
E	Kemp's (Atlantic) ridley sea turtle	*Lepidochelys kempii.*
E	Leatherback sea turtle	*Dermochelys coriacea.*
T	Loggerhead sea turtle	*Caretta caretta.*
T	Sand skink	*Neoseps reynoldsi.*
	Invertebrates:	
E	Schaus swallowtail butterfly	*Heraclides (=Papilio) aristodemus ponceanus.*
T	Stock Island tree snail	*Orthalicus reses.*
	Plants	
E	Avon Park harebells	*Crotalaria avonensis.*
E	Beach jacquemontia	*Jacquemontia reclinata.*
E	Beautiful pawpaw	*Deeringothamnus pulchellus.*
E	Britton's beargrass	*Nolina brittoniana.*
E	Carter's mustard	*Warea carteri.*
E	Crenulate lead-plant	*Amorpha crenulata.*
E	Deltoid spurge	*Chamaesyce (=Euphorbia) deltoidea.*
T	Florida bonamia	*Bonamia grandiflora.*
E	Florida golden aster	*Chrysopsis (=Heterotheca) floridana.*
E	Florida perforate cladonia	*Cladonia perforata.*
E	Florida ziziphus	*Ziziphus celata.*
E	Four-petal pawpaw	*Asimina tetramera.*
E	Fragrant prickly-apple	*Cereus eriophorus* var. *fragrans.*
T	Garber's spurge	*Chamaesyce (=Euphorbia) garberi.*
E	Garrett's mint	*Dicerandra christmanii.*
E	Highlands scrub hypericum	*Hypericum cumulicola.*
E	Key tree-cactus	*Pilosocereus (=Cereus) robinii.*
E	Lakela's mint	*Dicerandra immaculata.*
E	Lewton's polygala	*Polygala lewtonii.*
E	Okeechobee gourd	*Cucurbita okeechobeensis* ssp. *okeechobeensis.*
T	Papery whitlow-wort	*Paronychia chartacea (=Nyachia pulvinata).*
T	Pigeon wing	*Clitoria fragrans.*
E	Pygmy fringe-tree	*Chionanthus pygmaeus.*
E	Sandlace	*Polygonella myriophylla.*
E	Scrub blazing star	*Liatris ohlingerae.*
T	Scrub buckwheat	*Eriogonum longifolium* var. *gnaphalifolium.*
E	Scrub lupine	*Lupinus aridorum.*
E	Scrub mint	*Dicerandra frutescens.*

Status	Species	Scientific name
E	Scrub plum	*Prunus geniculata.*
E	Short-leaved rosemary	*Conradina brevifolia.*
E	Small's milkpea	*Galactia smallii.*
E	Snakeroot	*Eryngium cuneifolium.*
E	Tiny polygala	*Polygala smallii.*
E	Wide-leaf warea	*Warea* amplexifolia.
E	Wireweed	*Polygonella basiramia (=ciliata* var. *b.).*

The Service has completed recovery plans for many of these species at various times between 1980 and 1996 to identify actions necessary to effect recovery. The ivory-billed woodpecker, Bachman's warbler, silver rice rat, Key Largo woodrat, and Key Largo cotton mouse do not have approved recovery plans. Since the approval of many of the recovery plans for South Florida species, identified tasks have been completed, and new information has become available on the biology, distribution, life history, and needs of these species. In addition, some species with a South Florida population had no tasks identified for recovery in this area. This plan updates some existing recovery plans, serves as the recovery plan for other species, or identifies South Florida's contribution to recovery. The plan also addresses new threats and needs for all the species identified within it. This plan is Volume I of a two volume effort to identify recovery needs of the species of South Florida and the ecosystems upon which they depend. The focus of Volume I is the individual species, while Volume II integrates the species needs with those of the vegetative communities in which they reside.

Paper copies of the draft recovery plan are available for public inspection at the following locations:

U.S. Fish and Wildlife Service, South Florida Field Office, U.S. Highway 1, Suite 5, Vero Beach, Florida 32960, 561–562–3909

U.S. Fish and Wildlife Service, Merritt Island National Wildlife Refuge, 4 miles east of Titusville, State Road 402, Titusville, Florida 32782, 407–861–0667

U.S. Fish and Wildlife Service, J.N. ''Ding'' Darling National Wildlife Refuge, 1 Wildlife Drive, Sanibel, Florida 33957, 813–472–1100

U.S. Fish and Wildlife Service, Florida Panther National Wildlife Refuge, 3860 Tollgate Boulevard, Suite 300, Naples, Florida 34114, 941–353–8442

U.S. Fish and Wildlife Service, National Key Deer Refuge, Winn Dixie Shopping Plaza, Big Pine Key, Florida 33043–1510, 305–872–2239

U.S. Fish and Wildlife Service, Loxahatchee National Wildlife Refuge, 10216 Lee Road, Boynton Beach, Florida 33437–4796, 561–732–3684

University of Florida, Smathers Library West, Gainesville, Florida 32611

University of Miami Library, 4600 Rickenbacker Causeway, Miami, Florida 33149

University of Central Florida Library, 4000 Central Florida Blvd., Orlando, Florida 32816

Florida Atlantic University Library, 777 Glades Rd., Boca Raton, Florida 33431

Florida International University Library, FIU University Park, 11200 SW A St., Miami, Florida 33199

University of South Florida Library, 4202 E. Fowler Ave., Tampa, Florida 33620

Florida Gulf Coast University Library, 19501 Ben Hill Griffin Parkway, Ft. Myers, Florida 33965–6565

Archbold Biological Station Library, P.O. Box 2057, Lake Placid, Florida 33852

Fairchild Tropical Garden Library, 11935 Old Cutler Road, Miami, Florida 33156

Big Pine Key Branch Library, 213 Key Deer Boulevard, Big Pine Key, Florida 33043.

Public Comments Solicited

The Service solicits written comments on the recovery plan described. All comments received by the date identified above will be considered prior to approval of the plan.

Authority

The authority for this action is section 4(f) of the Endangered Species Act, 16 U.S.C. 1533(f).

Dated: February 23, 1998.

Stephen W. Forsythe,

Florida State Supervisor.

[FR Doc. 98–5378 Filed 3–5–98; 8:45 am]

BILLING CODE 4310–55–P

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

[(NM–930–1310–01); (NMNM 95616)]

New Mexico: Proposed Reinstatement of Terminated Oil and Gas Lease

Under the provisions of Pub. L. 97–451, a petition for reinstatement of oil and gas lease NMNM 95616 for lands in Rio Arriba County, New Mexico, was timely filed and was accompanied by all required rentals and royalties accruing from September 1, 1997, the date of termination.

No valid lease has been issued affecting the lands. The lessee has agreed to new lease terms for rentals and royalties at rates of $20.00 per acre or fraction thereof and 18⅔ percent, respectively. The lessee has paid the required $500 administrative fee and has reimbursed the Bureau of Land Management for the cost of this **Federal Register** notice.

The Lessee has met all the requirements for reinstatement of the lease as set out in Sections 31(d) and (e) of the Mineral Leasing Act of 1920 (30 U.S.C. 188), and the Bureau of Land Management is proposing to reinstate the lease effective March 1, 1996, subject to the original terms and conditions of the lease and the increased rental and royalty rates cited above.

For further information contact: Lourdes B. Ortiz, BLM, New Mexico State Office, (505) 438–7586.

Dated: February 24, 1998.

Lourdes B. Ortiz,

Land Law Examiner.

[FR Doc. 98–5817 Filed 3–5–98; 8:45 am]

BILLING CODE 4310–FB–M

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

[ID–933–1430–00; IDI–31739]

Opening of Land in a Proposed Withdrawal; Idaho

AGENCY: Bureau of Land Management, Interior.

ACTION: Notice.

SUMMARY: The temporary 2-year segregation of a proposed withdrawal of 1,374.13 acres of National Forest System land for the protection of the Brundage Mountain Ski Area expires April 15, 1998, after which the land will be open to mining. The land is located in the Payette National Forest. The land has been and will remain open to surface entry and mineral leasing.

EFFECTIVE DATE: April 15, 1998.

FOR FURTHER INFORMATION CONTACT: Cathie Foster, BLM Idaho State Office, 1387 S. Vinnell Way, Boise, Idaho 83709, (208) 373–3863.

SUPPLEMENTARY INFORMATION: A Notice of Proposed Withdrawal was published in the **Federal Register** (61 FR 73, April 15, 1996), which segregated the land described therein for up to 2 years from the mining laws, subject to valid existing rights, but not from the general land laws or the mineral leasing laws. The 2-year segregation expires April 15, 1998. The withdrawal application will continue to be processed unless it is canceled or denied. The land is described as follows:

Boise Meridian

T. 19 N., R. 2 E.,
Section 1, SE¼SE¼;
Section 12, SW¼NE¼, E½NE¼, N½SE¼, E½SE¼SE¼;
Section 13, NE¼NE¼.
T. 19 N., R. 3 E.,
Section 6, lots 5 to 7 inclusive, SW¼NE¼, SE¼NW¼, E½SW¼, W½SE¼;
Section 7, lots 1 to 4 inclusive, W½NE¼, E½W½, SE¼;
Section 18, lot 1, NW¼NE¼, NE¼NW¼.

The area described contains 1,374.13 acres in Adams County.

At 9 a.m. on April 15, 1998, the land shall be opened to location and entry under the United States mining laws, subject to valid existing rights, the provisions of existing withdrawals, other segregations of record, and the requirements of applicable law. Appropriation of land described in this order under the general mining laws prior to the date and time of restoration is unauthorized. Any such attempted appropriation, including attempted adverse possession under 30 U.S.C. 38 (1988), shall vest no rights against the United States. Acts required to establish a location and to initiate a right of possession are governed by State law. The Bureau of Land Management will not intervene in disputes between rival locators over possessory rights since Congress has provided for such determinations in local courts.

Dated: February 24, 1998.

Jimmie Buxton,

Branch Chief, Lands and Minerals.

[FR Doc. 98–5815 Filed 3–5–98; 8:45 am]

BILLING CODE 4310–GG–P

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

[AZ–930–1430–01; AZA 12961, AZA 13006, AZA 12978]

Public Land Order No. 7321; Revocation of Secretarial Order Dated March 27, 1943, and Bureau of Reclamation Order Dated June 3, 1952; Arizona

AGENCY: Bureau of Land Management, Interior.

ACTION: Public Land Order.

SUMMARY: This order revokes, in their entirety, a Secretarial order and a Bureau of Reclamation order as they affect 25,505.12 acres of lands withdrawn for the Bureau of Reclamation's Mogollon Mesa Project. The project has not been developed and there is no further need for the lands to be withdrawn. Of the lands being revoked, 1,916.24 acres have been conveyed out of Federal ownership. The action will open the remaining 23,588.88 acres to mining and to such forms of disposition as may by law be made of National Forest System lands. The lands have been and will remain open to mineral leasing.

EFFECTIVE DATE: April 6, 1998.

FOR FURTHER INFORMATION CONTACT: Cliff Yardley, BLM Arizona State Office, 222 North Central Avenue, Phoenix, Arizona 85004–2203, 602–417–9437.

By virtue of the authority vested in the Secretary of the Interior by Section 204 of the Federal Land Policy and Management Act of 1976, 43 U.S.C. 1714 (1994), it is ordered as follows:

1. The Secretarial Order dated March 27, 1943, and the Bureau of Reclamation Order dated June 3, 1952, which withdrew lands for the Bureau of Reclamation's Mogollon Mesa Project, are hereby revoked in their entirety. The lands involved aggregate 25,505.12 acres in Coconino and Navajo Counties.

2. At 10 a.m. on April 6, 1998, the lands that are still in Federal ownership will be opened to such forms of disposition as may by law be made of National Forest System lands, subject to valid existing rights, the provisions of existing withdrawals, other segregations of record, and the requirements of applicable law.

3. At 10 a.m. on April 6, 1998, the lands that are still in Federal ownership will be opened to the operation of the public land laws generally, subject to valid existing rights, the provisions of existing withdrawals, other segregations of record, and the requirements of applicable law. All valid applications received at or prior to 10 a.m. on April 6, 1998 shall be considered as simultaneously filed at that time. Those received thereafter shall be considered in the order of filing.

Dated: February 17, 1998.

Bob Armstrong,

Assistant Secretary of the Interior.

[FR Doc. 98–5825 Filed 3–5–98; 8:45 am]

BILLING CODE 4310–32–P

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

[CA–067–1430–01; CACA–8289, R06673, R04872, R03637, CAAZRI6106]

Notice of Realty Action; Recreation and Public Purposes (R&PP) Act Classification for Conveyance

AGENCY: Bureau of Land Management, Interior.

SUMMARY: The following lands, located in Imperial County, California, have been examined and found suitable for conveyance to the County of Imperial under the provisions of the Recreation and Public Purposes Act of June 14, 1926, as amended (43 U.S.C. 869 *et seq.*):

San Bernardino Meridian

T. 11 S., R. 9 E.,
Sec. 12, N½; T. 16 S., R. 9 E., sec. 13, SW¼SW¼;
T. 10 S., R. 14 E.,
Sec. 26, SW¼NW¼, S½SE¼NW¼, N½N½SW¼;
T. 15 S., R. 16 E.,
Sec. 13, SW¼NW¼; T. 9 S., R. 21 E., sec. 15, SE¼SW¼.

The areas described aggregate 540 acres, more or less.

These lands were classified as suitable for lease between 1965 and 1982, and five separate R&PP leases were issued to Imperial County's Department of Public Works for solid waste disposal sites located at Salton City, Ocotillo, Niland, Holtville, and Palo Verde. The County proposes to continue using the lands for this purpose. The lands are not needed for Federal purposes, and conveyance without reversionary interest is consistent with current BLM land use planning. Before conveyance can occur, a landfill transfer audit and environmental assessment must be conducted in compliance with the National Environmental Policy Act of

1969 and any other Federal and State laws applicable to the disposal of solid waste and hazardous substances. The patents will be subject to the following terms, conditions, and reservations.

1. Provisions of the Recreation and Public Purposes Act and all applicable regulations of the Secretary of the Interior.

2. A right-of-way for ditches and canals constructed by the authority of the United States.

3. Those rights granted to San Diego Gas & Electric for a road to access their 500 kV transmission line by right-of-way grant CACA–5865.

4. All minerals shall be reserved to the United States together with the right to prospect for, mine and remove same under applicable law and regulations as prescribed by the Secretary of the Interior. In accordance with BLM Manual Section 3060.23, a mineral potential and surface interference determination shall be completed.

5. The patentee shall comply with all Federal and State laws applicable to the disposal, placement, or release of hazardous substances.

6. The patentee shall indemnify and hold harmless the United States against any legal liability or future costs that may arise out of any violation of such laws.

7. No portion of the land covered by such patent shall under any circumstance revert to the United States.

DATES: On or before April 20, 1998 interested parties may submit comments regarding this suitability determination to the Field Manager, Bureau of Land Management, El Centro Resource Area, 1661 South 4th Street, El Centro, CA 92243. Objections will be reviewed by the State Director, who may sustain, vacate, or modify this realty action. In the absence of any objections, this realty action will become the final determination of the Department of the Interior 60 days from the date of publication of this Notice.

FOR FURTHER INFORMATION CONTACT: Linda Self, Realty Specialist, at the above address or telephone (760) 337–4426.

SUPPLEMENTARY INFORMATION: Publication of the Notice in the **Federal Register** segregates the public land to the extent that it will not be subject to appropriation under the public land laws, including locations under the mining laws, except for conveyance under the Recreation and Public Purposes Act and leasing under the mineral leasing laws.

Dated: February 11, 1998.

Terry A. Reed,

Field Manager.

[FR Doc. 98–5826 Filed 3–5–98; 8:45 am]

BILLING CODE 4310–40–M

DEPARTMENT OF THE INTERIOR

Office of Surface Mining Reclamation and Enforcement

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

ACTION: Notice of public meetings.

SUMMARY: In accordance with the objectives of the Government Performance and Results Act and the Vice-President's National Performance Review, the Office of Surface Mining Reclamation and Enforcement (OSM) of the U.S. Department of the Interior is soliciting the participation of interested parties to discuss its FY 1999 budget submiss to Congress and to gain input and advice as to current issues, problems and priorities that should be addressed by OSM during FY 2000.

DATES *Public meeting:* We will hold a public meeting in a interactive forum on OSM program activities for Fiscal Years 1999 and 2000 in Washington, D.C., on March 11, 1998, beginning at 9:00 a.m. We will also hold public meetings at various field locations. Please refer to OSM's home page at www.osmre.gov for our press release which will provide specific dates and locations for other meetings.

ADDRESSES: *Public meeting:* A public meeting will be held at the South Interior Building's Director's Conference Room room 220, 1951 Constitution Ave., NW., Washington, D.C. Additional meetings will be held in the coal-producing states. Please refer to our home page, or contact Mr. Christiansen listed under **FOR FURTHER INFORMATION CONTACT,** for details about other meetings.

FOR FURTHER INFORMATION CONTACT: Victor J. Christiansen. Mr. Christiansen can supply information on our FY 1999 budget for those interested and for information regarding future meeting locations and dates being planned. He may be reached at: Office of Surface Mining Reclamation and Enforcement, Room 244, 1951 Constitution Avenue, N.W., Washington, D.C. 20240; Telephone: (202) 208–7851; E-Mail address on the internet: vchristi@osmre.gov.

SUPPLEMENTARY INFORMATION: We have scheduled a public meeting on OSM's Fiscal Years 1999 and 2000 program activities in Washington, D.C. and will hold additional meetings throughout the coal-producing states. The first part of the meetings will focus on the President's Fiscal Year 1999 budget request for OSM. The second part will provide interested parties an opportunity to discuss and provide input concerning OSM's plans and priorities for FY 2000. Interested parties attending the public meetings are free to address any issues concerning OSM's priorities, programs and budget. Refer to **DATES** and **ADDRESSES** for the time, date and location for the meeting in Washington, and consult our home page at www.osmre.gov or contact Victor Christiansen at the telephone number listed under **FOR FURTHER INFORMATION CONTACT** for meetings scheduled in other states. The meetings will continue until everyone has had an opportunity to be heard. We will not prepare a formal transcript of the meeting, nor do we plan to provide formal responses to the written comments. We hope that this will facilitate dialogue in the interactive forum.

Any disabled individual who needs special accommodation to attend the public meeting should contact the individual listed under **FOR FURTHER INFORMATION CONTACT.**

Dated: March 3, 1998.

Kathy Karpan,

Director, Office of Surface Mining Reclamation and Enforcement.

[FR Doc. 98–5859 Filed 3–5–98; 8:45 am]

BILLING CODE 4310–05–M

DEPARTMENT OF JUSTICE

Notice of Lodging of Consent Decree Pursuant to the Comprehensive Environmental Response, Compensation and Liability Act

Notice is hereby given that a proposed consent decree in *United States* v. *Cello-Foil Prods., Inc., et al.,* Civil Action No. 1:92 CV 713 (consolidated with *Kelley* v. *Cello-Foil Prods., Inc., et al.,* Civil Action No. 4:92 CV 139), was lodged on February 27, 1998, with the United States District Court for the Western District of Michigan. The consent decree settles an action brought under Section 107 of the Comprehensive Environmental Response, Compensation and Liability Act, 42 U.S.C. 9601, *et seq.,* (''CERCLA'') for the recovery of costs incurred by the United States and the State of Michigan in responding to a release or threat of release of hazardous substances at the Raymond Road Operable Unit of the Verona Well Field Superfund Site in Battle Creek, Michigan (the ''Site''). Under the terms

of the proposed decree, the settling defendants will pay $600,000 to the United States and $300,000 to the State of Michigan in settlement of response costs incurred at the Site.

The Department of Justice will receive, for a period of thirty (30) days from the date of this publication, comments relating to the proposed consent decree. Comments should be addressed to the Assistant Attorney General for the Environment and Natural Resources Division, Department of Justice, Washington, D.C. 20530, and should refer to *United States* v. *Cello-Foil Prods., Inc., et al.*, DOJ Ref. # 90–11–3–626A.

The proposed consent decree may be examined at the office of the United States Attorney for the Western District of Michigan, 330 Ionia Avenue, N.W., 5th Floor, Grand Rapids, Michigan 49503; the Region 5 Office of the Environmental Protection Agency, 77 West Jackson Boulevard, Chicago, IL 60604; and at the Consent Decree Library, 1120 G Street, N.W., 4th Floor, Washington, D.C. 20005, (202) 624–0892. A copy of the proposed consent decree may be obtained in person or by mail from the Consent Decree Library, 1120 G Street, N.W., 4th Floor, Washington, D.C. 20005. In requesting a copy please refer to the referenced case and enclose a check in the amount of $24.75 (25 cents per page reproduction costs), payable to the Consent Decree Library.

Joel M. Gross,

Chief, Environmental Enforcement Section, Environment and Natural Resources Division.

[FR Doc. 98–5792 Filed 3–5–98; 8:45 am]

BILLING CODE 4410–15–M

DEPARTMENT OF JUSTICE

Notice of Lodging of Consent Decree

Notice is hereby given that on February 27, 1998, a proposed Partial Consent Decree in *United States* v. *Findett Corporation, et al.* No. 4:97CV01557CDP (E.D. Mo.) was lodged with the United States District Court for the Eastern District of Missouri. The action was filed on July 25, 1997 under Section 107 of CERCLA, 42 U.S.C. § 9607, to recover response costs incurred or to be incurred by the United States associated with Findett/Hayford Bridge Road Site in St. Charles, Missouri.

Under the terms of the proposed Decree, Cadmus Corporation (''Cadmus''), the Goodyear Tire & Rubber Company (''Goodyear''), and ACF Industries (''ACF''), will pay $185,000, $220,000 and $50,000 respectively to the Superfund. The United States' outstanding past costs were estimated at approximately $2.8-million as of September 30, 1997. Goodyear and ACF further agree to pay 11 percent and 2.5 percent, respectively, of any future response costs incurred by the Environmental Protection Agency in connection with the Site.

The Consent Decree may be examined at the Office of the United States Attorney, U.S. Court & Custom House, 1114 Market Street, Room 401, St. Louis, MO 63101; the Region VII Office of the Environmental Protection Agency, 726 Minnesota Avenue, Kansas City, Kansas 66101; and at the Consent Decree Library, 1120 G Street, N.W., 4th Floor, Washington, D.C. 20005, (202) 624–0892. A copy may be obtained in person or by mail from the Consent Decree Library, 1120 G Street, N.W., 4th Floor, Washington, D.C. 20005. In requesting a copy please refer to the referenced case and enclose a check in the amount of $5.50 (25 cents per page reproduction costs), payable to the Consent Decree Library.

The Department of Justice will receive, for a period of thirty (30) days from the date of this publication comments relating to the proposed Partial Consent Decree. Comments should be addressed to the Assistant Attorney General for the Environmental and Natural Resources Division, U.S. Department of Justice, 950 Pennsylvania Ave., N.W., Washington, D.C. 20530, and should refer to *United States* v. *Findett Corporation, et al.*, DOJ Ref. #90–11–2–417A.

Bruce S. Gelber,

Deputy Chief, Environmental Enforcement Section.

[FR Doc. 98–5810 Filed 3–5–98; 8:45 am]

BILLING CODE 4410–15–M

DEPARTMENT OF JUSTICE

Notice of Consent Decrees Under the Comprehensive Environmental Response, Compensation and Liability Act

Notice is hereby given that a consent decree in *United States* v. *City of Fresno*, Civil Action No. CIV F 98–5195 REC/SMS, was lodged with the United States District Court for the Eastern District of California on February 25, 1998.

In the action the United States sought recovery of response costs and injunctive relief against the City of Fresno pursuant to Sections 104, 106 and 107 of the Comprehensive Environmental Response, Compensation, and Liability Act, (''CERCLA''), 42 U.S.C. 9604, 9606 and 9607, relative to the release or threat of release of hazardous substances at the Fresno Sanitary Landfill Superfund Site located in Fresno County, California (''the Site''). Response costs to be recovered by the United States under the Consent Decree are past response costs and the future oversight costs of EPA. Pursuant to the injunctive relief provided by the Consent Decree Fresno will implement a final remedy for its municipal landfill under two scope of work documents. The first scope of work provides for landfill cover, landfill gas extraction and treatment, and stormwater management. The second scope of work provides for a phased cleanup of contaminated groundwater.

The Department of Justice will accept written comments relating to the proposed consent decree for thirty (30) days from the date of publication of this notice. Please address comments to the Assistant Attorney General, Environment and Natural Resources Division, Department of Justice, P.O. Box 7611, Ben Franklin Station, Washington, D.C. 20044 and refer to *United States* v. *City of Fresno* (E.D. Cal), DOJ Ref. #90–11–2–1203.

A copy of the proposed decree may be examined at the Office of the United States Attorney, 1130 O Street, Room 3654, Fresno, California 93721 and at the U.S. Environmental Protection Agency, Region IX, 75 Hawthorne Street, San Francisco, California, 94105.

Copies of the proposed consent decrees may be examined at the Consent Decree Library, 1120 G Street, N.W., 4th Floor, Washington, D.C. 20005, (202) 624–0892. A copy of the consent decrees may also be obtained in person or by mail at the Consent Decree Library, 1120 G Street, N.W., 4th Floor, Washington, D.C. 20005. When requesting a copy of the decree by mail, please enclose a check in the amount of $43.75 for a copy including exhibits, or $18.25 for a copy excluding exhibits (twenty-five cents per page reproduction costs) payable to the ''Consent Decree Library.''

Bruce Gelber,

Deputy Chief, Environmental Enforcement Section, Environment and Natural Resources Division, U.S. Department of Justice.

[FR Doc. 98–5829 Filed 3–5–98; 8:45 am]

BILLING CODE 4410–15–M

DEPARTMENT OF JUSTICE

Notice of Lodging of Consent Decree Under the Clean Water Act

Under 28 CFR 50.7, notice is hereby given that on February 19, 1998, a

proposed Consent Decree in *United States* v. *Borough of Pottstown, Pennsylvania,* Civil Action No. 94–3090 was lodged with the United States District Court for the Eastern District of Pennsylvania.

In this action the United States sought injunctive relief and civil penalties for the Borough of Pottstown's (''Pottstown'') discharges of effluent from its wastewater treatment plant in excess of limits set forth in its National Pollutant Discharge Elimination System. Pottstown's wastewater treatment plant discharges into the Schuylkill River. Since filing the complaint in this action in June 1994, Pottstown brought its plant into compliance with its permit, making injunctive relief unnecessary. Under the proposed Consent Decree, Pottstown will pay a civil penalty of $16,500. It will also spend $58,000 to perform a Supplemental Environmental Project, which consists of monitoring the Schuylkill River watershed to determine the sources of contamination to the river and to determine the impacts of this contamination on drinking water supplies and on future recreational uses of the river.

The Department of Justice will receive for a period of thirty (30) days from the date of this publication comments relating to the proposed consent decree. Comments should be addressed to the Assistant Attorney General of the Environment and Natural Resources Division, Department of Justice, Washington, D.C. 20530, and should refer to *United States* v. *Borough of Pottstown, Pennsylvania,* DOJ Ref. #90–5–1–1–2487B.

The proposed consent decree may be examined at the Office of the United States Attorney, 615 Chestnut Street, Suite 1250, Philadelphia, Pennsylvania 19106, at U.S. EPA Region 3, 841 Chestnut Building, Philadelphia, Pennsylvania 19107 and at the Consent Decree Library, 1120 G Street, NW., 4th Floor, Washington, DC 20005, (202) 624–0892. A copy of the proposed consent decree may be obtained in person or by mail from the Consent Decree Library, 1120 G Street, NW., 4th Floor, Washington, DC 20005. In requesting a copy, please enclose a check in the amount of $6.25 (25 cents per page reproduction cost) payable to the Consent Decree Library.

Joel M. Gross,

Chief, Environmental Enforcement Section, Environment and Natural Resources Division.

[FR Doc. 98–5793 Filed 3–5–98; 8:45 am]

BILLING CODE 4410–15–M

DEPARTMENT OF JUSTICE

Drug Enforcement Administration

Manufacturer of Controlled Substances; Notice of Application

Pursuant to Section 1301.33(a) of Title 21 of the Code of Federal Regulations (CFR), this is notice that on January 12, 1998, Johnson Matthey, Inc., Custom Pharmaceuticals Department, 2003 Nolte Drive, West Deptford, New Jersey 08066, made application by renewal to the Drug Enforcement Administration (DEA) for registration as a bulk manufacturer of the basic classes of controlled substances listed below:

Drug	Schedule
Difenoxin (9168)	I
Propiram (9649)	I
Amphetamine (1100)	II
Methylphenidate (1724)	II
Phenylacetone (8501)	II
Dihydrocodeine (9120)	II
Oxycodone (9143)	II
Hydromorphone (9150)	II
Hydrocodone (9193)	II
Meperidine (9230)	II
Thebaine (9333)	II
Alfentanil (9737)	II
Sufentanil (9740)	II
Carfentanil (9743)	II
Fentanyl (9801)	II

The firm plans to manufacture the listed controlled substances in bulk to supply final dosage form manufacturers.

Any other such applicant and any person who is presently registered with DEA to manufacture such substances may file comments or objections to the issuance of the proposed registration.

Any such comments or objections may be addressed, in quintuplicate, to the Deputy Assistant Administrator, Office of Diversion Control, Drug Enforcement Administration, United States Department of Justice, Washington, DC 20537, Attention: DEA Federal Register Representative (CCR), and must be filed no later than May 5, 1998.

Dated: February 24, 1998.

John H. King,

Deputy Assistant Administrator, Office of Diversion Control, Drug Enforcement Administration.

[FR Doc. 98–5757 Filed 3–5–98; 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.

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

None

Volume II

Maryland
MD980055 (Feb. 13, 1998)
Pennsylvania
PA980001 (Feb. 13,1998)
PA980002 (Feb. 13, 1998)
PA980003 (Feb. 13, 1998)
PA980017 (Feb. 13, 1998)
PA980018 (Feb. 13, 1998)
PA980020 (Feb. 13, 1998)
PA980041 (Feb. 13, 1998)
PA980043 (Feb. 13, 1998)
PA980051 (Feb. 13, 1998)
PA980053 (Feb. 13, 1998)
PA980062 (Feb. 13, 1998)
PA980065 (Feb. 13, 1998)
West Virginia
WV980002 (Feb. 13, 1998)
WV980003 (Feb. 13, 1998)
WV980006 (Feb. 13, 1998)

Volume III

Georgia
GA980032 (Feb. 13, 1998)

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Indiana
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IN980005 (Feb. 13, 1998)
IN980006 (Feb. 13, 1998)
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Nebraska
NE980001 (Feb. 13, 1998)
NE980003 (Feb. 13, 1998)
NE980019 (Feb. 13, 1998)

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AK980002 (Feb. 13, 1998)
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Volume VII

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CA980026 (Feb. 13, 1998)
CA980028 (Feb. 13, 1998)
CA980038 (Feb. 13, 1998)
CA980039 (Feb. 13, 1998)
CA980040 (Feb. 13, 1998)
Hawaii
HI980001 (Feb. 13, 1998)

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 26th day of February 1998.

Carl J. Poleskey,

Chief, Branch of Construction Wage Determinations.

[FR Doc. 98–5547 Filed 3–5–98; 8:45 am]

BILLING CODE 4510–27–M

DEPARTMENT OF LABOR

Occupational Safety and Health Administration

[Docket No. ICR–98–9]

Agency Information Collection Activities; Proposed Collection; Comment Request; Gear Certification (Part 1919)

ACTION: Notice.

SUMMARY: The Department of Labor, as part of its continuing effort to reduce paperwork and respondent burden conducts a preclearance consultation program to provide the general public and Federal agencies with an opportunity to comment on proposed and/or continuing collections of information in accordance with the Paperwork Reduction Act of 1995 (PRA 95) (44 U.S.C. 3506(c)(2)(A)). This program helps to ensure that requested data can be provided in the desired format, reporting burden (time and financial resources) is minimized, collection instruments are clearly understood, and impact of collection requirements on respondents can be properly assessed. Currently, the Occupational Safety and Health Administration (OSHA) is soliciting comments concerning the proposed extension of the information collection requirements contained in 29 CFR part 1919 and the use of the OSHA 70, 71, and 72 Forms. The Agency is particularly interested in comments which:

• Evaluate whether the proposed collection of information is necessary for the proper performance of the functions of the Agency, including whether the information will have practical utility;

• Evaluate the accuracy of the Agency's estimate of the burden of the proposed collection of information, including the validity of the methodology and assumptions used;

• Enhance the quality, utility, and clarity of the information to be collected; and

• Minimize the burden of the collection of information on those who are to respond, including through the use of appropriate automated, electronic, mechanical, or other technological collection techniques or other forms of information technology, e.g., permitting electronic submissions of responses.

DATES: Written comments must be submitted on or before May 5, 1998.

ADDRESSES: Comments are to be submitted to the Docket Office, Docket No. ICR–98–9, Occupational Safety and Health Administration, U.S. Department of Labor, Room N–2625, 200 Constitution Avenue, NW., Washington, DC 20210. Telephone: (202) 219–7894. Written comments limited to 10 pages or less in length may also be transmitted by facsimile to (202) 219–5046.

FOR FURTHER INFORMATION CONTACT: Theda Kenney, Directorate of Safety Standards Programs, Occupational Safety and Health Administration, U.S. Department of Labor, Room N–3605, 200 Constitution Avenue, NW., Washington, DC 20210, telephone: (202) 219–8061. Copies of the referenced information collection request are available for inspection and copying in the Docket Office and will be mailed to persons who request copies by telephoning Theda Kenney at (202) 219–8061, ext. 100, or Barbara Bielaski at (202) 219–8076, ext. 142. For electronic copies of the Information Collection Request for Gear Certification, contact OSHA's WebPage on the Internet at Http://www.osha.gov/ and click on ''standards.''

SUPPLEMENTARY INFORMATION:

I. Background

The Occupational Safety and Health Act of 1970 (the Act) authorizes the promulgation of such health and safety standards as are necessary or appropriate to provide safe or healthful employment and places of employment. The statute specifically authorizes information collection by employers as necessary or appropriate for the enforcement of the Act or for developing information regarding the causes and prevention of occupational injuries, illnesses, and accidents.

In 29 CFR part 1919, OSHA is requiring information to be collected by accredited agencies to determine the condition of certain cargo handling gear and other material handling devices to ensure the safety of those employees working in the maritime industry while using such equipment.

II. Current Actions

This notice requests public comment on OSHA's burden hour estimates prior to OSHA seeking Office of Management and Budget (OMB) approval of the information collection requirements for the OSHA 70, 71 and 72 Forms required under 29 CFR part 1919—Gear Certification.

Type of Review: Extension of a Currently Approved Collection.

Agency: U.S. Department of Labor, Occupational Safety and Health Administration.

Title: Gear Certification (29 CFR part 1919).

OMB Number: 1218–0003.

Agency Number: Docket Number ICR–98–9.

Affected Public: State or local governments; Business or other for-profit.

Number of Respondents: 120.

Frequency: Annually, Quadrennially.

Average Time per Response: 1.25 hours.

Estimated Total Burden Hours: 93.

Total Annualized Capital/Startup Costs: $474,406.

Signed at Washington, DC, this 2nd day of March 1998.

Charles N. Jeffress,

Assistant Secretary.

[FR Doc. 98–5844 Filed 3–5–98; 8:45 am]

BILLING CODE 4510–26–M

NATIONAL AERONAUTICS AND SPACE ADMINISTRATION

[Notice 98–030]

NASA Advisory Council (NAC), Advisory Committee on the International Space Station (ACISS); Meeting

AGENCY: National Aeronautics and Space Administration.

ACTION: Notice of meeting change.

FEDERAL REGISTER CITATION OF PREVIOUS ANNOUNCEMENT: Notice Number 98–026.

ANNOUNCED DATES AND ADDRESS OF MEETING: Thursday, March 12, from 8:00 a.m. until 5:00 p.m.; and Friday, March 13, 1997, from 8:00 a.m. until 11:00 a.m. and from 2:00 p.m. until 3:30 p.m. Lyndon B. Johnson Space Center, Building 1, Room 966, Houston, TX 77058–3696.

ADDITION TO THE AGENDA: Report of the Cost Assessment and Validation Task Force.

FOR FURTHER INFORMATION CONTACT: Mr. W. Michael Hawes, Code ML, National Aeronautics and Space Administration, Washington, DC 20546, 202/358–0242.

Dated: February 28, 1998.

Matthew M. Crouch,

Advisory Committee Management Officer, National Aeronautics and Space Administration.

[FR Doc. 98–5755 Filed 3–5–98; 8:45 am]

BILLING CODE 7510–01–M

NATIONAL CREDIT UNION ADMINISTRATION

Sunshine Act Meeting; Notice of Change in Date of Meeting

The National Credit Union Administration Board determined that its business requires the previously announced (Federal Register, Page 10653, March 4, 1998) closed meeting scheduled for 10:00 a.m., Friday, March 6, 1998 to be rescheduled.

TIME AND DATE: 10:00 a.m., Thursday, March 12, 1998.

PLACE: Board Room, 7th Floor, Room 7047, 1775 Duke Street, Alexandria, VA 22314–3428.

STATUS: Closed.

MATTERS TO BE CONSIDERED:

1. Year 2000 Compliance. Closed pursuant to exemptions (2) and (8).

2. SSP Vacancies and Related Personnel Matters. Closed pursuant to exemptions (2) and (6).

FOR FURTHER INFORMATION CONTACT: Becky Baker, Secretary of the Board, Telephone (703) 518–6304.

Becky Baker,

Secretary of the Board.

[FR Doc. 98–6003 Filed 3–4–98; 2:26 pm]

BILLING CODE 7535–01–M

NUCLEAR REGULATORY COMMISSION

[Docket Nos. 50–317 and 50–318]

Baltimore Gas and Electric Company; Notice of Consideration of Issuance of Amendments To Facility Operating Licenses, Proposed No Significant Hazards Consideration Determination, and Opportunity for a Hearing

On Friday, January 31, 1997, a **Federal Register** Notice (62 FR 4816)

was published stating that the U.S. Nuclear Regulatory Commission (the Commission) is considering issuance of an amendment to Facility Operating License Nos. DPR–53 and DPR–69 issued to the Baltimore Gas and Electric Company (BGE or the licensee) for operation of the Calvert Cliffs Nuclear Power Plant, Unit Nos. 1 and 2, located in Calvert County, Maryland.

The proposed amendments requested by the licensee in a letter dated December 4, 1996, would represent a full conversion from the current Technical Specifications (TSs) to a set of TS based on NUREG–1432, Revision 1, ''Standard Technical Specifications, Combustion Engineering Plants dated April 1995. Since that time, the Commission has received supplements to the application dated March 27, June 9, June 18, July 21, August 19, September 10, October 6, October 20, October 23, November 5, 1997, and January 12 and 28, 1998. Therefore, issues not fully discussed in (62 FR 4816) are presented below.

The proposed amendment includes the following:

1. The licensee is proposing to add a new surveillance requirement (SR) 3.4.9.2 to the Improved Technical Specifications (ITS) which will require verification that the capacity of each required bank of pressurizer heaters is equal to or greater than 150 kW every 24 months. This is a more restrictive change.

2. The licensee has proposed a change to the current TS applicability for the pressurizer safety valves which require that both safety valves be operable in Modes 1, 2, and 3 and that one safety valve be operable in Modes 4 and 5. The ITS will modify these applicability requirements for Mode 3 to specify that two safety valves shall be operable with all reactor coolant system (RCS) cold leg temperature >365 °F for Unit 1 and >301 °F for Unit 2. This is a less restrictive change.

3. The licensee proposes that the power-operated relief valve (PORVs) be demonstrated operable by performance of a channel test once per 92 days as part of the conversion to the ITS. The current TS require that the PORVs be demonstrated operable by performance of a Channel Function Test once per 31 days. This a less restrictive change.

4. Current TS 3.4.6 2.C specifies that the RCS shall be limited to ''1 gpm total primary—to secondary leakage through all steam generators and 100 gallon-per-day through any one steam generator.'' The proposed ITS LCO 3.4.1.3 eliminates the limit of 1 gpm total primary-to-secondary leakage through all steam generators and thus will only require a limit of 100 gallon per day through any one steam generator. This is an administrative change.

5. Current TS SR 4.5.2.f.2 requires verifying at least once per Refueling Interval, during shutdown, that the high-pressure safety injection pump and low-pressure safety injection pump (LPSI) start automatically upon receipt of a safety injection actuation test signal. Proposed ITS SR 3.5.2.6 retains this same requirement with a specified frequency of 24 months, which is equivalent to the refueling interval. The proposed ITS will add a new SR 3.5.2.7 which requires verification that each LPSI pump stops on an actual or simulated actuation signal. This a more restrictive change.

6. The proposed amendment regarding the control room emergency ventilation system (CREVS) changes the surveillance from 18 months to 24 months (each refueling cycle) for the following SR. Current TS SR 4.7.6.1.e.2 requires that each train of CREVS is demonstrated operable at least once every 18 months by verifying that on a control room high radiation test signal, the system automatically switches into a recirculation mode of operation with flow through the HEPA filters and charcoal adsorber banks and that both of the isolation valves in each duct and common exhaust duct, and isolation valve in the toilet exhaust area duct, close. The above change is less restrictive.

7. The proposed amendment regarding the control room emergency temperature system (CRETS) changes the surveillance interval from 62 days on a staggered basis (one train every 31 days) to 24 months (each refueling interval) for the following SR:

Current TS SR 4.7.6.1.a requires demonstrating that each CRETS train is operable at least once every 62 days, on a staggered test basis (one train every 31 days) by: (1) Deenergizing the backup Control Room air conditioner; and (2) verifying that the emergency Control Room air conditioners maintain the air temperature [less than or equal to] 104 °F for at least 12 hours when in the recirculation mode.

SR 4.7.6.1.a changes to ITS SR 3.7.9.1 to require demonstrating operability of CRETS at least every 24 months by verifying each CRETS train has the capability to maintain control room temperature within limits. The above changes are less restrictive.

8. The proposed amendment regarding the spent fuel pool exhaust ventilation system (SFPEVS) will change the surveillance interval from 18 months to 24 months (each refueling interval) for the following SR. This is a less restrictive change.

Current TS SR 4.9.12.d requires demonstrating that the SFPEVS is operable at least once per 18 months by: (1) Verifying that the pressure drop across the combined HEPA filters and charcoal adsorber banks are <4 inches Water Gauge while operating the ventilation system at a flow rate of 32,000 cfm plus or minus 10%; and (2) verifying that each exhaust fan maintains the spent fuel storage pool at a measurable negative pressure relative to the outside atmosphere during system operation.

SR 4.9.12.d will change to ITS SR 3.7.11.3 to require demonstrating that the SFPEVS is operable at least once per 24 months by verifying that each exhaust fan maintains the spent fuel pool at a measurable negative pressure relative to the outside atmosphere during system operation.

9. The proposed amendment regarding the penetration room exhaust ventilation system (PREVS) changes the surveillance interval from 18 months to 24 months (each refueling interval for the following SR:

Current TS SR 4.6.6.1.d.2 requires demonstrating that each PREVS train is operable at least once per 18 months by verifying that the filter train starts on a Containment Isolation Test Signal.

SR 4.6.6.1.d.2 changes to ITS SR 3.7.12.3 to require demonstrating operability of the PREVS at least once every 24 months by verifying each PREVS train starts on an actual or simulated actuation signal. The above change is less restrictive.

Before issuance of the proposed license amendment, the Commission will have made findings required by the Atomic Energy Act of 1954, as amended (the Act) and the Commission's regulations.

The Commission has made a proposed determination that the amendment request involves no significant hazards consideration. Under the Commission's regulations in 10 CFR 50.92, this means that operation of the facility in accordance with the proposed amendment would not (1) Involve a significant increase in the probability or consequences of an accident previously evaluated; or (2) create the possibility of a new or different kind of accident from any accident previously evaluated; or (3) involve a significant reduction in a margin of safety. As required by 10 CFR 50.91(a), the licensee has provided its analysis of the issue of no significant hazards consideration, which is presented below.

Basis for proposed no significant hazards determination: As required by 10 CFR 50.91(a), the licensee has provided its analysis of the issue of no

significant hazards consideration which is presented below for the above items.

Item 1 and Item 5—More Restrictive Changes

1. Does the change involve a significant increase in the probability or consequences of an accident previously evaluated?

The proposed changes provide more stringent requirements than previously existed in the Technical Specifications. Each change was evaluated and it was determined that these more stringent requirements do not result in operation that will increase the probability of initiating an analyzed event. If anything, the new requirements may decrease the probability or consequences of an analyzed event by incorporating the more restrictive changes discussed above. The proposed changes do not alter assumptions relative to mitigation of an accident or transient. The more restrictive requirements continue to ensure process variables, structures, systems, and components are maintained consistent with the safety analyses and licensing basis. The proposed changes do not significantly affect initiators or mitigation of analyzed events, and therefore do not involve a significant increase in the probability or consequences of an accident previously evaluated.

2. Does the change create the possibility of a new or different kind of accident from any accident previously evaluated?

The proposed changes provide more stringent requirements than previously existed in the Technical Specifications. The changes will not involve a significant change in design or operation of the plant. No hardware is being added to the plant as part of the proposed changes. The proposed changes will not introduce any new accident initiators. The changes do impose different requirements. However, these changes are consistent with the assumptions in the safety analyses and licensing basis. Therefore, the changes do not create the possibility of a new or different kind of accident from any accident previously evaluated.

3. Does this change involve a significant reduction in margin of safety?

The proposed changes provide more stringent requirements than previously existed in the Technical Specifications. An evaluation of these changes concluded that adding these more restrictive requirements either increases or has no impact on the margin of safety. The changes provide additional restrictions which may enhance plant safety. The changes maintain requirements within the safety analyses and licensing basis. As such, no question of safety is involved. Therefore, the changes do not involve a significant reduction in a margin of safety.

Item 2—Less Restrictive Changes

1. Does the change involve a significant increase in the probability or consequences of an accident previously evaluated?

The proposed change deletes the Mode 3 with any cold leg temperature [less than or equal to] 365°F ([less than or equal to] 301°F for Unit 2) and the Mode 4 and 5 Applicabilities from the Modes of Applicability for the pressurizer safety valves. The pressurizer safety valves are not initiators of any analyzed event. The pressurizer safety valves are not required to mitigate any accidents in Mode 3 with cold leg temperature [less than or equal to] 365°F ([less than or equal to] 301°F for Unit 2), or in Modes 4 or 5. In Mode 3 with any cold leg temperature [less than or equal to] 365°F ([less than or equal to] 301°F for Unit 2) overpressure protection is provided by the Low Temperature Overpressure Protection (LTOP) System. The change will not alter assumptions relative to the mitigation of an accident or transient. The proposed changes do not significantly affect initiators or mitigation of analyzed events, and therefore do not involve a significant increase in the probability or consequences of an accident previously evaluated.

2. Does the change create the possibility of a new or different kind of accident from any previously evaluated?

The proposed change deletes the Mode 3 with any cold leg temperature [less than or equal to] 365°F ([less than or equal to] 301°F for Unit 2), and the Mode 4 and 5 Applicabilities from the Modes of Applicability for the pressurizer safety valves. The change will not involve a significant change in design or operation of the plant. No hardware is being added to the plant as part of the proposed change. The proposed change will not introduce any new accident initiators. Therefore, the change does not create the possibility of a new or different kind of accident from any accident previously evaluated.

3. Does this change involve a significant reduction in margin of safety?

The proposed change deletes the Mode 3 with any cold leg temperature [less than or equal to] 365°F ([less than or equal to] 301°F for Unit 2), and Mode 4 and 5 Applicabilities from the Modes of Applicability for the pressurizer safety valves. The pressurizer safety valves are not required for overpressure protection in Mode 3 with any cold leg temperature [less than or equal to] 365°F ([less than or equal to] 301°F for Unit 2), or in Modes 4 or 5. The overpressure protection in these Modes are provided by the LTOP System. Therefore, the change does not involve a significant reduction in a margin of safety.

Item 3—Less Restrictive Change

1. Does the change involve a significant increase in the probability or consequences of an accident previously evaluated?

The proposed change decreases the Surveillance Frequency for the PORV Special Test Exception from 31 days to 92 days. Decreasing the PORV Special Test Exception Frequency to 92 days is not an initiator of any analyzed event. The PORV shares the same instrumentation as the Reactor Protective System Pressurizer High Function, which was approved for quarterly Channel Functional Testing in an NRC Safety Evaluation Report, dated August 24, 1994. A plant-specific setpoint drift analysis demonstrated that the observed changes in instrument uncertainties for extended Surveillance test intervals do not exceed the current 30-day setpoint assumptions. This provides confidence the 90–92 day test interval will not impact the ability of the PORV to perform its safety function. The change will not significantly alter assumptions relative to the mitigation of an accident or transient. The proposed changes do not significantly affect initiators or mitigation of analyzed events, and therefore do not involve a significant increase in the probability or consequences of an accident previously evaluated.

2. Does the change create the possibility of a new or different kind of accident from any previously evaluated?

The proposed change decreases the Surveillance Frequency for the PORV Channel Functional Test from 31 days to 92 days. The change will not involve a significant change in design or operation of the plant. No hardware is being added to the plant as part of the proposed change. The proposed change will not introduce any new accident initiators. Therefore, the change does not create the possibility of a new or different kind of accident from any accident previously evaluated.

3. Does this change involve a significant reduction in margin of safety?

The proposed change decreases the Surveillance Frequency for the PORV Channel Functional Test from 31 days to 92 days. The PORV shares the same instrumentation as the Reactor Protective System Pressurizer Pressure High Function, which was approved for quarterly Channel Functional Testing in an NRC Safety Evaluation Report, dated August 24, 1994. This change makes the testing Frequency for the PORV consistent with the Reactor Protective System High Pressurizer Function, which shares the same instrumentation. The core melt Frequency remains unchanged. Also, the instrument drift resulting from the proposed Surveillance interval is less than the instrument drift presently assumed for the current Surveillance interval. Therefore, the change does not involve a significant reduction in a margin of safety.

Item 4—Administrative Change

1. Does the change involve a significant increase in the probability or consequences of an accident previously evaluated?

The proposed changes involve reformatting, renumbering, and rewording of the existing Technical Specifications, along with the incorporation of current plant practices and other changes, as discussed above, in order to be consistent with NUREG–1432. These changes involve no technical changes to the existing Technical Specifications. Specifically, there will be no change in the requirements imposed on Calvert Cliffs due to these changes. Thus, the changes are administrative in nature and do not impact initiators of analyzed events. The proposed changes do not significantly affect initiators or mitigation of analyzed events, and therefore do not involve a significant increase in the probability or consequences of an accident previously evaluated.

2. Does the change create the possibility of a new or different kind of accident from any accident previously evaluated?

The proposed changes involve reformatting, renumbering, and rewording of the existing Technical Specifications, along with the incorporation of current plant

practices and other changes, as discussed above, in order to be consistent with NUREG–1432. The changes will not involve a significant change in design or operation of the plant. No hardware is being added to the plant as part of the proposed change. The proposed changes will not introduce any new accident initiators. Therefore, the changes do not create the possibility of a new or different kind of accident from any accident previously evaluated.

3. Does this change involve a significant reduction in margin of safety?

The proposed changes involve reformatting, renumbering, and rewording of the existing Technical Specifications, along with the incorporation of current plant practices and other changes, as discussed above, in order to be consistent with NUREG–1432. The changes are administrative in nature and will not involve any technical changes. The changes will not reduce a margin of safety because it has no impact on any safety analysis assumptions. Therefore, the changes do not involve a significant reduction in a margin of safety.

Item 6—Less Restrictive Changes

1. Does the change involve a significant increase in the probability or consequences of an accident previously evaluated?

The proposed change decreases the Surveillance Frequency from 18 to 24 months for verifying that the Control Room Emergency Ventilation System (CREVS) will actuate on an actual or simulated actuation signal. The CREVS is not an initiator to any accident previously evaluated so there is no change in the probability of an accident. The 24-month test frequency is sufficient to verify that the equipment will actuate if needed, so the equipment will continue to be able to mitigate the consequences of accidents previously evaluated. Therefore, this change will not involve an increase in the probability or consequences of an accident previously evaluated.

2. Does the change create the possibility of a new or different kind of accident from any accident previously evaluated?

The proposed change decreases the Surveillance Frequency from 18 to 24 months for verifying that the CREVS will actuate on an actual or simulated actuation signal. This change will not physically alter the plant (no new or different types of equipment will be installed). The change does not require any new or unusual operator actions. Therefore, the change does not create the possibility of a new or different kind of accident from any accident previously evaluated.

3. Does the change involve a significant reduction in a margin of safety?

The proposed change decreased the Surveillance Frequency from 18 to 24 months for verifying that the CREVS will actuate on an actual or simulated actuation signal. A review of previously performed Surveillances determined that no failures have been found during the performance of this SR once per 18 months. Given the performance history, there is no reason to believe that a Frequency of 24 months would result in reduced reliability of the system. Therefore, this change does not involve a significant reduction in the margin of safety.

Item 7—Less Restrictive Change

1. Does the change involve a significant increase in the probability or consequences of an accident previously evaluated?

The proposed change will decrease the Frequency from 62 days on a Staggered Test Basis (one train every 31 days) to 24 months for verifying that the CRETS can maintain temperature in the Control Room at [less than or equal to] 104°F. This change will not significantly increase the possibility of an accident previously evaluated. The CRETS is not an initiator of any analyzed event. This change will not significantly increase the consequences of an accident. The CRETS will still be tested at a Frequency that will show it can maintain Control Room temperature. Review of the past 10 years of data has shown that during this period the test has never failed. This change will not significantly affect the assumptions relative to the mitigation of accidents or transients. Therefore, the change does not involve a significant increase in the probability of consequence of an accident previously evaluated.

2. Does the change create the possibility of a new or different kind of accident from any accident previously evaluated?

The proposed change will decrease the Frequency from 62 days on a Staggered Test Basis (one train every 31 days) to 24 months for verifying that the CRETS can maintain temperature in the Control Room at [less than or equal to] 104°F. This change does not involve a significant change in the design or operation of the plant. No hardware is being added to the plant as part of the proposed change. The proposed change will not introduce any new accident initiators. Therefore, the change does not create the possibility of a new or different kind of accident from any accident previously evaluated.

3. Does the change involve a significant reduction in a margin of safety?

The proposed change will decrease the Frequency from 62 days on a Staggered Test Basis (one train every 31 days) to 24 months for verifying that the CRETS can maintain temperature in the Control Room at [less than or equal to] 104°F. The margin of safety is not significantly affected by this change. The Surveillance will still be performed at an interval which will prove the CRETS remains Operable based on an evaluation of past Surveillance history. Also, increasing the Surveillance interval will prevent inadvertent wear and tear on the system due to over testing, which can possibly lead to premature failures. Therefore, the proposed change does not involve a significant reduction in a margin of safety.

Item 8—Less Restrictive Change

1. Does the change involve a significant increase in the probability or consequences of an accident previously evaluated?

The proposed change decreases the Surveillance Frequency from 18 months to 24 months for verifying that the SFPEVS can maintain a measurable negative pressure in the spent fuel pool area of the Auxiliary Building. This change will not affect the probability of an accident. The SFPEVS is not an initiator of any analyzed event. The change will not affect the consequences of an accident. The 24-month Frequency is sufficient to ensure that the SFPEVS can maintain a measurable negative pressure in the spent fuel pool area. The change will not alter assumptions relative to the mitigation of an accident or transient. Therefore, the change will not involve a significant increase in the probability or consequence of an accident previously evaluated.

2. Does the change create the possibility of a new or different kind of accident from any accident previously evaluated?

The proposed change decreases the Surveillance Frequency from 18 months to 24 months for verifying that the SFPEVS can maintain a measurable negative pressure in the spent fuel pool area of the Auxiliary Building. This change will not physically alter the plant (no new or different type of equipment will be installed). The change does not require any new or unusual operator actions. Therefore, the change does not create the possibility of a new or different kind of accident from any accident previously evaluated.

3. Does the change involve a significant reduction in a margin of safety?

The proposed change decreases the Surveillance Frequency from 18 to 24 months for verifying that the SFPEVS can maintain a measurable negative pressure in the spent fuel pool area of the Auxiliary Building. The margin of safety is not significantly affected by this change. The failure history for this SR has shown that no failures have occurred in the previous ten years. The proposed Frequency will continue to prove that the SFPEVS will maintain a negative pressure in the spent fuel pool area. Therefore, the change does not involve a significant reduction in a margin of safety.

Item 9—Less Restrictive Change

1. Does the change involve a significant increase in the probability or consequences of an accident previously evaluated?

The proposed change decreases the Surveillance Frequency from 18 to 24 months for verifying that the Penetration Room Emergency Ventilation System (PREVS) will actuate on an actual or simulated actuation signal. The PREVS is not an initiator to any accident previously evaluated so there is no change in the probability of an accident. The 24-month test frequency is sufficient to verify that the equipment will actuate if needed so the equipment will continue to be able to mitigate the consequences of accidents previously evaluated. Therefore, this change will not involve an increase in the probability or consequences of an accident previously evaluated.

2. Does the change create the possibility of a new or different kind of accident from any accident previously evaluated?

The proposed change decreases the Surveillance Frequency from 18 to 24 months for verifying that the PREVS will actuate on an actual or simulated actuation signal. This change will not physically alter the plant (no new or different types of equipment will be installed). The change does not require any new or unusual operator actions. Therefore, this change does not create the possibility of a new or different kind of accident from any accident previously evaluated.

3. Does the change involve a significant reduction in a margin of safety?

The proposed change decreases the Surveillance Frequency from 18 to 24 months for verifying that the PREVS will actuate on an actual or simulated actuation signal. A review of previously performed Surveillances determined that no failures have been found during the performance of this SR once per 18 months. Given the performance history, there is no reason to believe that a Frequency of 24 months would result in reduced reliability of the system. Therefore, this change will not involve an increase in the probability or consequences of an accident previously evaluated.

The NRC staff has reviewed the licensee's analyses and, based on this review, it appears that the three standards of 10 CFR 50.92(c) are satisfied. Therefore, the NRC staff proposes to determine that the amendment request involves no significant hazards consideration, regarding the matters discussed above.

The Commission is seeking public comments on this proposed determination. Any comments received within 30 days after the date of publication of this notice will be considered in making any final determination.

Normally, the Commission will not issue the amendment until the expiration of the 30-day notice period. However, should circumstances change during the notice period such that failure to act in a timely way would result, for example, in derating or shutdown of the facility, the Commission may issue the license amendment before the expiration of the 30-day notice period, provided that its final determination is that the amendment involves no significant hazards consideration. The final determination will consider all public and State comments received. Should the Commission take this action, it will publish in the **Federal Register** a notice of issuance and provide for opportunity for a hearing after issuance. The Commission expects that the need to take this action will occur very infrequently.

Written comments may be submitted by mail to the Chief, Rules and Directives Branch, Division of Administrative Services, Office of Administration, U.S. Nuclear Regulatory Commission, Washington, DC 20555–0001, and should cite the publication date and page number of this **Federal Register** notice. Written comments may also be delivered to Room 6D59, Two White Flint North, 11545 Rockville Pike, Rockville, Maryland, from 7:30 a.m. to 4:15 p.m. Federal workdays. Copies of written comments received may be examined at the NRC Public Document Room, the Gelman Building, 2120 L Street, NW., Washington, DC.

The filing of requests for hearing and petitions for leave to intervene is discussed below.

By April 6, 1998, the licensee may file a request for a hearing with respect to issuance of the amendment to the subject facility operating license and any person whose interest may be affected by this proceeding and who wishes to participate as a party in the proceeding must file a written request for a hearing and a petition for leave to intervene. Requests for a hearing and a petition for leave to intervene shall be filed in accordance with the Commission's ''Rules of Practice for Domestic Licensing Proceedings'' in 10 CFR Part 2. Interested persons should consult a current copy of 10 CFR 2.714 which is available at the Commission's Public Document Room, the Gelman Building, 2120 L Street, NW., Washington, DC, and at the local public document room located at the Calvert County Library, Prince Frederick, Maryland 20678. If a request for a hearing or petition for leave to intervene is filed by the above date, the Commission or an Atomic Safety and Licensing Board, designated by the Commission or by the Chairman of the Atomic Safety and Licensing Board Panel, will rule on the request and/or petition; and the Secretary or the designated Atomic Safety and Licensing Board will issue a notice of hearing or an appropriate order.

As required by 10 CFR 2.714, a petition for leave to intervene shall set forth with particularity the interest of the petitioner in the proceeding, and how that interest may be affected by the results of the proceeding. The petition should specifically explain the reasons why intervention should be permitted with particular reference to the following factors: (1) the nature of the petitioner's right under the Act to be made party to the proceeding; (2) the nature and extent of the petitioner's property, financial, or other interest in the proceeding; and (3) the possible effect of any order which may be entered in the proceeding on the petitioner's interest. The petition should also identify the specific aspect(s) of the subject matter of the proceeding as to which petitioner wishes to intervene. Any person who has filed a petition for leave to intervene or who has been admitted as a party may amend the petition without requesting leave of the Board up to 15 days prior to the first prehearing conference scheduled in the proceeding, but such an amended petition must satisfy the specificity requirements described above.

Not later than 15 days prior to the first prehearing conference scheduled in the proceeding, a petitioner shall file a supplement to the petition to intervene which must include a list of the contentions which are sought to be litigated in the matter. Each contention must consist of a specific statement of the issue of law or fact to be raised or controverted. In addition, the petitioner shall provide a brief explanation of the bases of the contention and a concise statement of the alleged facts or expert opinion which support the contention and on which the petitioner intends to rely in proving the contention at the hearing. The petitioner must also provide references to those specific sources and documents of which the petitioner is aware and on which the petitioner intends to rely to establish those facts or expert opinion. Petitioner must provide sufficient information to show that a genuine dispute exists with the applicant on a material issue of law or fact. Contentions shall be limited to matters within the scope of the amendment under consideration. The contention must be one which, if proven, would entitle the petitioner to relief. A petitioner who fails to file such a supplement which satisfies these requirements with respect to at least one contention will not be permitted to participate as a party.

Those permitted to intervene become parties to the proceeding, subject to any limitations in the order granting leave to intervene, and have the opportunity to participate fully in the conduct of the hearing, including the opportunity to present evidence and cross-examine witnesses.

If a hearing is requested, the Commission will make a final determination on the issue of no significant hazards consideration. The final determination will serve to decide when the hearing is held.

If the final determination is that the amendment request involves no significant hazards consideration, the Commission may issue the amendment and make it immediately effective, notwithstanding the request for a hearing. Any hearing held would take place after issuance of the amendment.

If the final determination is that the amendment request involves a significant hazards consideration, any hearing held would take place before the issuance of any amendment.

A request for a hearing or a petition for leave to intervene must be filed with the Secretary of the Commission, U.S. Nuclear Regulatory Commission, Washington, DC 20555–0001, Attention: Rulemakings and Adjudications Staff, or may be delivered to the Commission's

Public Document Room, the Gelman Building, 2120 L Street, NW., Washington, DC, by the above date. A copy of the petition should also be sent to the Office of the General Counsel, U.S. Nuclear Regulatory Commission, Washington, DC 20555–0001, and to Jay E. Silberg, Esquire, Shaw, Pittman, Potts and Trowbridge, 2300 N Street, NW., Washington, DC 20037, attorney for the licensee.

Nontimely filings of petitions for leave to intervene, amended petitions, supplemental petitions and/or requests for hearing will not be entertained absent a determination by the Commission, the presiding officer or the presiding Atomic Safety and Licensing Board that the petition and/or request should be granted based upon a balancing of the factors specified in 10 CFR 2.714(a)(1)(I)–(v) and 2.714(d).

For further details with respect to this action, see the application for amendment dated December 4, 1996, as supplemented March 27, June 9, June 18, July 21, August 14, August 19, September 10, October 6, October 20, October 23, November 5, 1997, and January 12 and January 28, 1998, which is available for public inspection at the Commission's Public Document Room, the Gelman Building, 2120 L Street, NW., Washington, DC, and at the local public document room located at the Calvert County Library, Prince Frederick, Maryland 20678.

Dated at Rockville, Maryland, this 2nd day of March 1998.

For the Nuclear Regulatory Commission.

Alexander W. Dromerick,

Senior Project Manager, Project Directorate I–1, Division of Reactor Projects—I/II, Office of Nuclear Reactor Regulation.

[FR Doc. 98–5809 Filed 3–5–98; 8:45 am]

BILLING CODE 7590–01–P

NUCLEAR REGULATORY COMMISSION

[Docket No. 50–220]

Niagara Mohawk Power Corporation; Notice of Withdrawal of Application for Amendment to Facility Operating License

The U.S. Nuclear Regulatory Commission (the Commission) is permitting the withdrawal of Niagara Mohawk Power Corporation's (the licensee) application of September 26, 1996, regarding the proposed amendment to Facility Operating License No. DPR–63 for Nine Mile Point Nuclear Station, Unit No. 1, located in Oswego County, New York.

The proposed amendment would have revised the facility technical specifications by adding Specification 3.7.2/4.7.2, ''Special Test Exception—System Leakage and Hydrostatic Testing.''

The Commission had previously issued a Notice of Consideration of Issuance of Amendment published in the **Federal Register** on November 21, 1996 (61 FR 59248). However, by letter dated February 2, 1998, the licensee withdrew the proposed change.

For further details with respect to this action, see the application for amendment dated September 26, 1996, as supplemented by letter dated May 6, 1997, and the licensee's letter dated February 2, 1998, which withdrew the application for license amendment. The above documents are available for public inspection at the Commission's Public Document Room, the Gelman Building, 2120 L Street, NW., Washington, DC, and at the local public document room located at the Reference and Documents Department, Penfield Library, State University of New York, Oswego, New York 13126.

Dated at Rockville, Maryland, this 2nd day of March 1998.

For the Nuclear Regulatory Commission.

Darl S. Hood,

Senior Project Manager, Project Directorate I–1, Division of Reactor Projects–I/II, Office of Nuclear Reactor Regulation.

[FR Doc. 98–5806 Filed 3–5–98; 8:45 am]

BILLING CODE 7590–01–M

NUCLEAR REGULATORY COMMISSION

[Docket No.: 30–5897]

Applications, Hearings, Determinations, etc.: Phillip's Research Center's Radiation Laboratory; Bartlesville, OK

AGENCY: Nuclear Regulatory Commission.

ACTION: Notice of consideration of amendment request for decommissioning the Phillip's Research Center's Radiation Laboratory in Bartlesville, Oklahoma, and oppportunity for a hearing.

The U.S. Nuclear Regulatory Commission (NRC) is considering issuance of a license amendment to Byproduct Material License No. 35–00313–03, issued to the Phillips Petroleum Company (Phillips), to authorize decommissioning of portions of its facility at Phillip's Research Center in Bartlesville, Oklahoma. Phillips is currently authorized by the NRC to perform activities with licensed radioactive material at its Phillip's Research Center and plans to continue licensed operations at this site.

On November 12, 1996, Phillips notified NRC of its intent to cease principal activities permanently at the Radiation Laboratory. The licensee has been decommissioning the Radiation Laboratory at the Bartlesville facility in accordance with the conditions discussed in License No. 35–00313–03. On April 7, 1997, the licensee submitted a site decommissioning plan (SDP) to NRC for review that summarized the decommissioning activities that will be undertaken to remediate the Radiation Laboratory, and release it from radiological controls and licensing restrictions so that the building debris can be disposed in an industrial landfill. Radioactive contamination at the licensee's Radiation Laboratory facility discussed in the SDP consists of soils and building rubble contaminated with tritium resulting from licensed operations that occurred from 1960 until 1996. Because Phillips is actively performing work under their current license, they are not requesting unrestricted release of the entire site at the Phillip's Research Center, nor termination of the license.

Phillips requested NRC approval of site specific decommissioning criteria for tritium. The NRC will review the licensee's request for elevated release criteria for tritium. During decommissioning activities, the NRC will require the licensee to maintain effluents and doses within NRC requirements and as low as reasonably achievable.

Prior to approving the decommissioning plan, NRC will have made findings required by the Atomic Energy Act of 1954, as amended, and NRC's regulations. These findings will be documented in a Safety Evaluation Report and an Environmental Assessment. Approval of the SDP will be documented in an amendment to License No. 35–00313–03.

The NRC hereby provides notice that this is a proceeding on an application for amendment of a license falling within the scope of Subpart L ''Informal Hearing Procedures for Adjudication in Materials Licensing Proceedings,'' of NRC's rules and practice for domestic licensing proceedings in 10 CFR Part 2. Pursuant to § 2.1205(a), any person whose interest may be affected by this proceeding may file a request for a hearing in accordance with § 2.1205(d). A request for a hearing must be filed within thirty (30) days of the date of the publication of this **Federal Register** notice.

The request for a hearing must be filed with the Office of the Secretary either:

1. By delivery to Secretary, U.S. Nuclear Regulatory Commission, One White Flint North, 11555 Rockville Pike, Rockville, MD 20852–2738, between 7:45 am and 4:15 pm Federal workdays; or

2. By mail or telegram addressed to Secretary, U.S. Nuclear Regulatory Commission, Washington, DC 20555–0001, Attention: Rulemakings and Adjudications Staff.

In addition to meeting other applicable requirements of 10 CFR Part 2 of the NRC's regulations, a request for a hearing filed by a person other than an applicant must describe in detail:

1. The interest of the requester in the proceeding;

2. How that interest may be affected by the results of the proceeding, including the reasons why the requestor should be permitted a hearing, with particular reference to the factors set out in § 2.1205 (h);

3. The requester's areas of concern about the licensing activity that is the subject matter of the proceeding; and

4. The circumstance establishing that the request for a hearing is timely in accordance with § 2.1205 (d).

In accordance with 10 CFR 2.1205 (f), each request for a hearing must also be served, by delivering it personally or by mail, to:

1. The applicant, Phillips Petroleum Company, Phillips Research Center, 87–D PRC, Bartlesville, OK 74004, Attention: Mr. Martin S. Clark; and

2. The NRC staff, by delivery to Secretary, U.S. Nuclear Regulatory Commission, One White Flint North, 11555 Rockville Pike, Rockville, MD 20852–2738, between 7:45 am and 4:15 pm Federal workdays, or by mail, addressed to Secretary, U.S. Nuclear Regulatory Commission, Washington, DC 20555–0001, Attention: Rulemakings and Adjudications Staff.

For further details with respect to this action, the site decommissioning plan is available for inspection at the NRC's Region IV offices located at 611 Ryan Plaza Drive, Suite 400, Arlington, TX 76011–8064.

FOR FURTHER INFORMATION CONTACT: Ms. Vivian Campbell, Division of Nuclear Material Safety, U.S. Nuclear Regulatory Commission Region IV, 611 Ryan Plaza Drive, Suite 400, Arlington, TX 76011–8064. Telephone: (817) 860–8143.

Dated at Rockville, Maryland, this 28th day of February 1998.

For the Nuclear Regulatory Commission.

John W.N. Hickey,

Chief, Low-Level Waste and Decommissioning Projects Branch, Division of Waste Management, Office of Nuclear Material Safety.

[FR Doc. 98–5807 Filed 3–5–98; 8:45 am]

BILLING CODE 7590–01–P

SECURITIES AND EXCHANGE COMMISSION

[Investment Company Act Release No. 23051; 812–10832]

The Gabelli Equity Trust Inc., et al.; Notice of Application

February 27, 1998.

AGENCY: Securities and Exchange Commission (''SEC'').

ACTION: Notice of application for an order under section 6(c) of the Investment Company Act of 1940 (the ''Act'') for an exemption from section 19(b) and rule 19b–1 under the Act.

Summary of the Application: Applicants request an order to permit certain registered closed-end management investment companies to make periodic distributions of long-term capital gains in any one taxable year, so long as they maintain in effect distribution policies (a) with respect to their preferred stock calling for periodic dividends of a specified percentage of the liquidation preference of the preferred stock or (b) with respect to their common stock calling for periodic distribution of an amount equal to a fixed percentage of the net asset value or the market price per share of common stock or a fixed dollar amount. The order would supersede a prior order.[1]

Applicants: The Gabelli Equity Trust Inc. (''GET''), the Gabelli Global Multimedia Trust Inc. (''GGMT''), The Gabelli Convertible Securities Fund, Inc. (''GCSF''), and each registered closed-end management investment company advised in the future by Gabelli Funds, Inc. (''Gabelli'') or by an entity controlling, controlled by, or under common control (within the meaning of section 2(a)(9) of the Act) with Gabelli (''Future Funds'') (Future Funds, together with GET, GGMT, and GCSF, the ''Funds'').[2]

FILING DATES: The application was filed on October 29, 1997. Applicants have agreed to file an amendment, the substance of which is incorporated in this notice, during the notice period.

Hearing or Notification of Hearing: An order granting the application will be issued unless the SEC orders a hearing. Interested persons may request a hearing by writing to the SEC's Secretary and serving applicants with a copy of the request, personally or by mail. Hearing requests should be received by the SEC by 5:30 p.m. on March 20, 1998 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, One Corporate Center, Rye, NY 10580, Attention: Bruce N. Alpert.

FOR FURTHER INFORMATION CONTACT: Kathleen L. Knisely, Staff Attorney, at (202) 942–0517, or Nadya B. Roytblat, Assistant Director, 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. Each Fund is a closed-end management investment company organized as a Maryland corporation and registered under the Act. Each Fund issues common stock. GGMT and GCSF also issue preferred stock. GET's and GGMT's investment objective is to seek long-term growth of capital by investing in a portfolio of equity securities. GCSF's investment objective is to seek a high level of total return on its assets. Gabelli is the investment adviser to the Funds and is registered under the Investment Advisers Act of 1940.

2. The Funds wish to institute dividend payment policies with respect to the GGMT cumulative preferred stock, the GCSF cumulative preferred stock, and any other preferred stock that may be issued by the Funds calling for periodic dividends in an amount equal to a specified percentage of the liquidation preference of the Fund's preferred stock (''Preferred Dividends

[1] *Gabelli Equity Trust, Inc.*, Investment Company Act Release Nos. 22223 (Sept. 16, 1997) (notice) and 22282 (October 15, 1997) (order).

[2] All existing registered closed-end management investment companies that currently intend to rely on the requested order are named as applicants and any registered closed-end management investment company that may rely on the order in the future will comply with the terms and conditions of the application.

Policy''). The specified percentage may be determined at the time the preferred stock is initially issued, pursuant to periodic remarketings or auctions, or otherwise. Under the requested relief, the periodic payments may include long-term capital gains so long as a Fund maintains in effect the Preferred Dividend Policy.

3. The Funds also wish to be able to institute distribution policies with respect to their common stock calling for periodic distributions of an amount equal to a fixed percentage of the Fund's average net asset value over a specified period of time or market price per share of common stock at or about the time of the distribution or payout or of a fixed dollar amount (''Common Stock Policy''). Periodic payments pursuant to the Common Stock Policy may be made no more frequently than quarterly, except that a Fund may elect to pay an additional dividend pursuant to section 855 of the Internal Revenue Code of 1986, as amended (the ''Code''). Under the requested relief, these payments may include long-term capital gains so long as a Fund maintains in effect the Common Stock Policy.

4. The frequency of the periodic payments under the Preferred Dividends Policy and the Common Stock Policy will not be related to one another in any way. The Common Stock Policy will be initially established and reviewed at least annually by each Fund's board of directors (the ''Board'') and will be changeable at the discretion of the Fund's Board. The annual distribution rate under the Common Stock Policy generally will be independent of the Fund's performance in any of the first three quarters of the Fund's fiscal year. The rate may be adjusted in the fourth quarter in light of the Fund's performance for the fiscal year and to enable the Fund to comply with the requirement of the Code, for the year.

Applicants' Legal Analysis

1. Section 19(b) of the Act provides that registered investment companies may not, in contravention of such rules, regulations, or orders as the SEC may prescribe, distribute long-term capital gains more often then once every twelve months. Rule 19b–1 under the Act limits the number of capital gains distributions, as defined in section 852(b)(3)(C) of the Code, that the Funds may make with respect to any one taxable year to one, plus a supplemental distribution made pursuant to section 855 of the Code not exceeding 10% of the total amount distributed for the year, and one additional log-term capital gains distribution made to avoid the excise tax under section 4982 of the Code. In addition, Revenue Ruling 89–81 takes the position that if a regulated investment company has two classes of shares, it may not designate distributions made to either class in any year as consisting of more than the class's proportionate share of particular types of income, such as capital gains.

2. Applicants state that, under rule 19b–1, to the extent net investment income and realized short-term capital gains are insufficient to cover the periodic payments under the Preferred Dividends Policy and Common Stock Policy, the remaining amount must be treated as a return of capital even though net realized long-term capital gains would otherwise be available. The net long-term capital gains in excess of the periodic distributions permitted by the rule then must either be added as an ''extra'' on one of the permitted capital gains distributions on the common stock, thus exceeding the total annual amount called for by the Common Stock Policy or be retained by the Funds (with the Funds paying taxes on those amounts). Applicants further state that because of the Revenue Ruling 89–81, any ''extra'' payments of long-term capital gains to holders of common stock require proportionate allocations of the ''extra'' long-term capital gains to the preferred stock, which applicants argue to be difficult to do.

3. Applicants believe that granting the requested relief would help the Funds avoid these tax consequence. Applicants also state that the discount at which each Fund's shares of common stock currently trade will be reduced if the Funds institute the Common Stock Policy.

4. Applicants note that one of the concerns leading to the adoption of section 19(b) and rule 19b–1 was that shareholders might be unable to distinguish between frequent distributions of capital gains and dividends from investment income. In the case of preferred stock, applicants state that investor confusion is unlikely since all an investor expects to receive is the specified dividend distribution for any particular dividend period, and no more. Applicants also state that in accordance with rule 19b–1 under the Act, a separate statement showing the net investment income component of the distribution will accompany each preferred stock dividend, and a statement provided near the end of the last dividend period in a year will indicate the source or sources of each distribution that was made during the year. Applicants state that a similar separate statement showing the source of the distribution will accompany each common stock distribution (or the confirmation of reinvestment under the Funds' dividend reinvestment plan). In addition, for both the common and preferred stock, the amount and source or sources of distributions received during the year will be included in each Fund's IRS Form 1099–DIV reports sent to each shareholder who received distributions during the year (including shareholders who sold shares during the year). This information on an aggregate basis will also be included in the Funds' annual report to shareholders.

5. Applicants state that another concern that led to the adoption of section 19(b) and rule 19b–1 was that frequent capital gains distributions could facilitate improper fund distribution practices, including in particular the practice of urging an investor to purchase fund shares on the basis of an upcoming dividend (''selling the dividend''), where the dividend results in an immediate corresponding reduction in net asset value and is in effect a return of the investor's capital. Applicants believe that this concern does not arise with regard to closed-end investment companies, such as the Funds, which do not continuously distribute their shares.

6. Applicants note that the Funds have completed and intend to make transferable rights offerings of additional shares of common stock to shareholder, subject to conditions in the requested order. Applicants represent that, in a rights offering, shares will be offered during a one-month interval prior to the declaration of the dividend; thus the ''selling of the dividend'' abuse would not occur as a matter of timing.

7. Section 6(c) provides that the SEC may exempt any person, security, or transaction, or any class or classes of persons, securities, or transactions, from any provisions of the Act, if, and to the extent 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. For the reasons stated above, applicants believe that the requested exemption meets the standards set forth in section 6(c).

Applicants' Condition

Applicants agree that the order granting the requested relief with respect to the Funds' common stock shall terminate with respect to a Fund upon the effective date of a registration statement under the Securities Act of 1933, as amended, for any future public offering of common stock of the Fund other than:

(i) A rights offering to shareholders of such Fund, provided that (a) such

offering does not include the payment of solicitation fees to brokers in excess of 3% of the subscription price per share or the payment of any other commissions or underwriting fees in connection with the offering or exercise of the rights, (b) the rights will not be exercisable between the date a dividend to such Fund's common stock holders is declared and the record state of such dividend and (c) such Fund has not engaged in more than one rights offering during any given calendar year or (ii) an offering in connection with a merger, consolidation, acquisition, spin-off or reorganization; unless such Applicant has received from the staff of the SEC written assurance that the order will remain in effect.

For the Commission, by the Division of Investment Management, pursuant to delegated authority.

Margaret H. McFarland,

Deputy Secretary.

[FR Doc. 98–5773 Filed 3–5–98; 8:45 am]

BILLING CODE 8010–01–M

SECURITIES AND EXCHANGE COMMISSION

[Investment Company Act Rel. No. 23053; 813–160]

RGIP, LLC and Ropes & Gray; Notice of Application

March 2, 1998.

AGENCY: Securities and Exchange Commission (''SEC'').

ACTION: Notice of application for an order under sections 6(b) and 6(e) of the Investment Company Act of 1940 (''Act'') granting an exemption from all provisions of the Act, except section 9, section 17 (except for certain provisions of sections 17(a), (d), (f), (g), and (j)), section 30 (except for certain provisions of sections 30(a), (b), (e), and (h)), and sections 36 through 53, and the rules and regulations thereunder.

SUMMARY OF APPLICATION: Applicants RGIP, LLC and Ropes & Gray request an exemption from various provisions of the Act for an employees' securities company within the meaning of section 2(a)(13) of the Act.

FILING DATES: The application was filed on September 18, 1996, and amended on May 8, 1997, July 30, 1997, November 12, 1997 and February 9, 1998. Applicants have agreed to file an additional amendment, the substance of which is incorporated in this notice, during the notice period.

HEARING OR NOTIFICATION OF HEARING: An order granting the application will be issued unless the SEC orders a hearing. Interested persons may request a hearing by writing to the SEC's Secretary and serving applicant with a copy of the request, personally or by mail. Hearing requests should be received by the SEC by 5:30 p.m. on March 27, 1998, and should be accompanied by proof of service on applicant, in the form of an affidavit or, for lawyers, a certificate of service. Hearing requests should state the nature of the writer's interest, the reason for the request, and the issues contested. Persons 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, One International Place, Boston, Massachusetts 02110.

FOR FURTHER INFORMATION CONTACT: Annmarie J. Zell, Staff Attorney at (202) 942–0532, or Mary Kay Frech, 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 at 450 Fifth Street, NW., Washington, DC 20549, or by telephone at (202) 942–8090.

Applicants' Representations

1. RGIP, LLC is a newly-formed Delaware limited liability company. Ropes & Gray is a law firm organized as a Massachusetts general partnership (the ''Company''). Applicants also request relief for all entities identical in all material respects (other than investment objective and strategy) to RGIP, LLC that maybe offered in the future by the Company to the same class of investors (''Subsequent Funds,'' together with RGIP, LLC, the ''Funds''). Applicants anticipate that each Subsequent Fund, if any, also will be structured as a limited liability company, although other forms of organization are possible.

2. Interests in the Funds will be offered solely to eligible investors (''Eligible Investors''), who will consist of: (a) Certain employees of the Company (''Eligible Employees''), (b) trusts of which the trustees, grantors, and/or beneficiaries are Eligible Employees, or of which the beneficiaries are immediate family members of Eligible Employees, (c) partnerships, corporations, or other entities, all of the voting power of which is controlled by Eligible Employees, and (d) the Company. Interests in each Fund will be offered in reliance upon the exemption from registration under the Securities Act of 1933 (''Securities Act'') contained in section 4(2) or pursuant to Regulation D under the Securities Act.

3. Eligible Employees include only persons who are current or former: (a) partners of or lawyers employed by the Company, (b) principals or other professionals employed by the Company or by an entity which is directly or indirectly controlling, controlled by, or under common control with the Company (''Affiliated Company''), which provides certain consulting or other services to clients of the Company or of such Affiliated Company, (c) key administrative employees of the Company, or (d) a small number of other employees of the Company who will be involved in managing the day-to-day affairs of the Funds. Each Eligible Investor, or the related Eligible Employee, must either be an accredited investor meeting the income requirements set forth in rule 501(a)(6) of Regulation D, or meet the sophistication requirements set forth in rule 506(b)(2)(ii) of Regulation D, have had a minimum of five years of legal or business experience and compensation of at least $150,000 in the prior year, and have a reasonable expectation of compensation of at least $150,000 in each of the two immediately succeeding years. An Eligible Investor that is not an Eligible Employee and for which an Eligible Employee does not make the decision to invest in a Fund will be permitted to invest in a Fund only if the person who makes the investment decision meets the sophistication requirements set forth in rule 506(b)(2)(ii) of Regulation D.

4. Applicants believe that substantially all of the present and former partners and a small number of employees of the Company currently qualify as Eligible Employees. The Eligible Employees have sufficient knowledge, educational training, sophistication and experience in legal and business matters to be capable of evaluating the risks of an investment in a Fund. No fee of any kind will be charged in connection with the sale of units of the Funds.

5. The Fund has been established as a means of rewarding Eligible Employees and attracting highly qualified personnel to the Company. The Fund is intended to enable Eligible Investors to diversify their investments and participate in investment opportunities that might not otherwise be available to them or that might be beyond their individual means.[1] Some

[1] The Fund will not acquire any security issued by a registered investment company if immediately after such acquisition the Fund would own more than 3% of the outstanding voting stock of the registered investment company.

of these investment opportunities may involve parties to which the Company was, is, or will be acting as legal counsel. No Fund will be charged legal fees by the Company, although the Company may require a Fund to reimburse it for certain disbursements and expenses that it incurs on behalf of the Fund.

6. The Fund will operate as a non-diversified, closed-end management investment company within the meaning of the Act. The Fund's managing members (''Managing Members'') will be Eligible Investors who are partners of the Company. The Managing Members will screen investment opportunities that come to their attention through the Company. Eligible Investors will elect whether or not to participate in the investment opportunities. No fee will be charged to the Fund by the Managing Members, nor will any compensation be paid by the Fund or its Members to the Managing Members for their services. Eligible Investors will know and have direct access to those individuals who will serve as Managing Members. Any person serving as an investment adviser to the Funds will register under the Investment Advisers Act of 1940 (the ''Advisers Act'') if required to do so by the Advisers Act.

7. Capital contributions made to the Fund by Eligible Investors who elect to participate in a particular investment (''Members'') will be allocated *pro rata* to the capital subaccounts relating to the investment. No Eligible Investor will be required to invest in any particular investment, but Members who elect not to participate in a particular investment will have no interest in, or capital subaccount with respect to, the investment.

8. Members will not be entitled to redeem their interest in the Fund. A Member will be permitted to transfer his interest in the Fund only with the express consent of a majority of the Managing Members and only to an Eligible Investor. Upon a Member's death, the Member's estate will be substituted as a Member. The Managing Members may require a Member, including an Eligible Employee whose employment with the Company is terminated or an Eligible Investor whose related Eligible Employee's employment with the Company is terminated, to withdraw from the Fund if the Managing Members determine that withdrawal is in the best interest of the Fund. If a Member is required to withdraw, the Company may require the Eligible Investor to sell his interest in investments requiring future capital contributions to another Eligible Investor designated by the Company who agrees to pay the capital contributions and to assume the withdrawing Eligible Investor's other obligations with respect to the investments. The purchase price for the sale would be equal to the Member's capital account for the investment as of the date the Member is requested to withdraw, determined as if the capital account were credited or charged with the income, realized and unrealized gains, expenses, and realized and unrealized losses attributable to the investment as determined by the Managing Members. In making such determinations, the Managing Members will value privately held securities held by the Fund in accordance with valuations provided by the issuer of the investment. The withdrawing Eligible Investor would retain its interest in investments that have been fully funded.

9. The value of the Members' capital accounts and sub-accounts will be determined at such times as the Managing Members deem appropriate or necessary. The Managing Members will only cause the assets held by the Fund to be valued when such valuation is necessary or appropriate for the administration of the Fund; valuations of a Member's interest at other times will be the responsibility of the individual Member. The Managing Members will maintain records of all financial statements received from the issuers of the Fund's investments, and will make such records available for inspection by Members.

10. Certain investment opportunities may permit a Fund to co-invest with a partnership or other entity in which the same Fund or a different Fund has invested (a ''Co-investor Partnership''). If a Fund co-invests with a Co-investor Partnership, the Fund generally will be required to make the co-investment on terms no more favorable to it than those applicable to the investment by the Co-investor Partnership. It is anticipated that the economic terms applicable to any co-investment generally will be substantially the same as those applicable to the corresponding investment by the Co-investor Partnership. However, it is possible that the Co-investor Partnership may invest in a different class of securities or that the Co-investor Partnership's investment may have more favorable non-economic terms (*e.g.*, the right to representation on the board of directors of the portfolio company) in light of differences in legal structure, or regulatory, tax, or other considerations. A Fund making a co-invesment will be given the opportunity to sell or otherwise dispose of the investment prior to or concurrently with, and on the same terms as, sales or other dispositions of the corresponding investments by the Co-investor Partnership.

11. The Funds may be given an opportunity to co-invest with entities which the Company provides, or has provided services, and from which it may have received fees, but which are not affiliated persons of the Funds or the Company or affiliated persons of these affiliated persons. Applicants believe that these entities should not be treated as co-investors for the purposes of condition 4. When these entities permit others to co-invest with them, the transactions are commonly structured so that all investors have an opportunity to dispose of their investment at the same time. Nevertheless, if condition 4 were to apply to the Funds' investments in these situations, applicants believe that the Company's clients would be indirectly burdened. It is important to the Company that the clients' interests take priority over the Funds' interests and that the clients' activities not be burdened by the Funds' activities. Applicants assert that the Fund's relationship to a client of the Company that is not an affiliated period of either the Company or the Fund differs fundamentally from a Fund's relationship to the Company or its affiliated persons. The focus of, and the rationale for, the protections contained in the requested relief are to protest the Funds from overreaching by the Company and its affiliated persons. These same concerns are not present with respect to the Funds vis-a-vis clients of the Company who are not affiliated with the Fund or the Company.

12. The net income, net gain, and net loss of each Fund will be determined in accordance with the organizational documents for that Fund. Net income or net loss of each Fund will be determined and credited at least annually to the respective capital accounts and sub-accounts of the Members in proportion to their respective contributed capital in each investment. The Managing Members will have discretion with respect to each Fund in distributing cash and proceeds from the Fund's investments to its Members. Each Fund will send its Members an annual report regarding its operations. This report will contain unaudited financial statements because the Fund's assets will consist only of investments selected by individual

Members.[2] The Fund will maintain a file containing any financial statements and other information received from the issuers of the investments held by such Fund, and will make the file available for inspection by its Members.

Applicants' Legal Analysis

1. Section 6(b) of the Act provides that the SEC shall exempt employees' securities companies from the provisions of the Act to the extent that such exemption is consistent with the protection of investors. Section 6(b) provides that the Commission shall consider, in determining which provisions of the Act from which the company should be exempt, the company's form of organization and capital structure, the persons owning and controlling its securities, the price of the company's securities and the amount of any sales load, how the company's funds are invested, and the relationship between the company and the issuers of the securities in which it invests. Section 2(a)(13) of the Act defines an employees' securities company, in relevant part, as any investment company all of the outstanding securities of which are beneficially owned by current or former employees or persons on retainer of a single employer; by members of the immediate family of such employees, persons or retainer, or former employees; or by such employer together with any one or more of the foregoing categories of persons.

2. Section 7 of the Act generally prohibits investment companies that are not registered under section 8 from selling or redeeming their securities. Section 6(e) of the Act provides that in connection with any order exempting an investment company from any provision of section 7, certain specified provisions of the Act shall be applicable to the company, and to other persons in their transactions and relations with the company, as though the company were registered under the Act, if the SEC deems it necessary or appropriate in the public interest or for the protection of investors. Applicants request an order under sections 6(b) and 6(e) of the Act for an exemption from all provisions of the Act, and the rules and regulations under the Act, except section 9, certain provisions of sections 17 and 30, and sections 36 through 53, and the rules and regulations thereunder.

3. Applicants submit that the order requested is appropriate in the public interest and consistent with the protection of investors. Applicants believe that the Eligible Employees have sufficient knowledge, educational training, sophistication, and experience in legal and business matters to be capable of evaluating the risks of an investment in a Fund. Applicants also assert that Eligible Investors will know and have direct access to those individuals who will serve as Managing Members.

4. Section 17(a) of the Act provides, in relevant part, that it is unlawful for an affiliated person of a registered investment company, or any affiliated person of such person, acting as principal, knowingly to sell any security or other property to such registered investment company or to purchase from such registered investment company any security or other property. Applicants request an exemption from section 17(a) to the extent necessary to permit a Fund: (a) To purchase from the Company or any of its affiliated persons, securities or interests in properties previously acquired for the account of the Company or any of its affiliated persons; (b) to sell to the Company or any of its affiliated persons, securities or interests in properties previously acquired by the Funds; (c) to invest in companies, partnerships, or other investment vehicles offered, sponsored, or managed by the Company or any of its affiliated persons; (d) to invest in securities of issuers for which the Company or any of its affiliated persons has performed services and from which it may have received fees; (e) to purchase interests in any company or other investment vehicle (i) in which the Company or its partners or employees own 5% or more of the voting securities, or (ii) that is otherwise an affiliated person of the Fund or the Company; and (f) to participate as a selling security-holder in a public offering in which the Company or any of its affiliated persons acts as or represents a member of the selling group.

5. Applicants state that the Members of the Funds will be informed in the Funds' communications relating to particular investment opportunities of the possible extent of the Funds' dealings with the Company or any affiliated person of the Company. Applicants believe that Eligible Investors, as financially sophisticated professionals, will be able to evaluate the risks associated with those dealings. Applicants assert that a community of interest will exist among the Members and the Company because the Funds are designed to reward and provide incentives to partners and key employees.

6. Section 17(d) makes it unlawful for any affiliated person of a registered investment company, acting as principal, to effect any transaction in which such company, or a company controlled by such company, is a joint or joint and several participant with the affiliated person in contravention of SEC rules. Rule 17d–1 provides that the SEC may approve a transaction subject to section 17(d) after considering whether the participation of such registered company is consistent with the provisions, policies, and purposes of the Act and the extent to which such participation is on a basis different from or less advantageous than that of other participants.

7. Applicants request an exemption from section 17(d) and rule 17d–1 to the extent necessary to permit a Fund to engage in transactions in which affiliated persons of the Fund also may be participants. Joint transactions in which a Fund may participate could include the following: (a) An investment by one or more Funds in a security in which the Company or its affiliated person, another Fund, or a transferee of those persons is or may become a participant, or with request to which the Company or an affiliated person is entitled to receive fees (including, but not limited to, legal fees, consulting fees, or other economic benefits or interests); (b) an investment by one or more Funds in an investment vehicle sponsored, offered, or managed by the Company or its affiliated person; and (c) an investment by one or more Funds in a security in which an affiliate is or may become a participant.

8. Applicants submit that strict compliance with section 17(d) would cause the Funds to forgo investment opportunities simply because a Member, the Company, or another affiliated person of the Fund had made or planned to make a similar investment. In addition, because attractive investment opportunities of the types considered by the Funds often require that each participant make available funds in an amount that may be substantially greater than that available to the Fund alone, applicants believe that there may be certain opportunities of which a Fund may be unable to take advantage except as a co-participant with other persons, including affiliates. Applicants also assert that the flexibility to structure co- and joint investments in the manner described above will not involve abuses of the type section 17(d)

[2] Applicants do not believe that audited financial statements of the Fund's aggregate assets would provide useful information to its Members because each Member will have an interest only in the capital sub-accounts that relate to particular investments in which such Member has allocated capital contributions, and will not have an economic interest in the holdings of the Fund on a consolidated basis.

and rule 17d–1 were designed to prevent.

9. Section 17(f) of the Act provides that the securities and similar investments of a registered management investment company must be placed in the custody of a bank, a member of a national securities exchange, or the company itself in accordance with SEC rules. Rule 17f–2 specifies the requirements for an investment company to maintain custody of its investments. Applicants request an exemption from section 17(f) and rule 17f–2 to permit the following exceptions from the requirements of rule 17f–2: (a) A Fund's investments may be kept in the locked files of the Company or of a partner of the Company; (b) for purposes of paragraph (d) of the rule, (i) employees of the Company will be deemed employees of the Funds, (ii) officers and Managing Members of a Fund will be deemed to be officers of such Fund, and (iii) the Managing Members of a Fund will be deemed to be the board of directors of such Fund; and (c) in place of the verification procedure under paragraph (f) of the rule, verification will be effected quarterly by two employees of the Company. Applicants expect that many of the Funds' investments will be evidenced only by partnership agreements or similar documents, rather than by negotiable certificates that could be misappropriated. Applicants assert that these instruments are most suitably kept in the Company's files, where they can be referred to as necessary.

10. Section 17(g) of the Act and rule 17g–1 generally require the bonding of officers and employees of a registered investment company who have access to securities or funds of the company. Applicants request an exemption from section 17(g) and rule 17g–1 to the extent necessary to permit each Fund to comply with rule 17g–1 without the necessity of having a majority of the Managing Members who are not ''interested persons,'' as that term is defined in section 2(a)(19) of the Act, take such actions and make such approvals as are set forth in rule 17g–1. Applicants state that, because all Managing Members will be affiliated persons, a Fund could not comply with rule 17g–1 without the requested relief.

11. Section 17(j) and rule 17j–1 require every registered investment company, its adviser, and its principal underwriter to adopt a written code of ethics with provisions reasonably designed to prevent fraudulent activities, and to institute procedures to prevent violations of the code. Section 17(j) and paragraph (a) of rule 17j–1 also make it unlawful for certain persons to engage in fraudulent, deceitful, or manipulative practices in connection with the purchase or sale of a security held or to be acquired by an investment company. Applicants request an exemption from section 17(j) and rule 17j–1 (with the exception of the antifraud provisions of paragraph (a)), because the requirements are burdensome and unnecessary as applied to the Funds. Applicants believe that requiring the Funds to adopt a written code of ethics and requiring access persons to report each of their securities transactions would be time-consuming and expensive and would serve little purpose in light of, among other things, the community of interests among the Members of the Funds by virtue of their common association with the Company.

12. Sections 30(a), 30(b), and 30(e) of the Act, and the rules under those sections, generally require that registered investment companies prepare and file with the SEC and mail to their shareholders certain periodic reports and financial statements. Applicants assert that the forms prescribed by the SEC for periodic reports have little relevance to the Fund and would entail administrative and legal costs that outweigh any benefit to the Members. Applicants also request an exemption from section 30(h) to the extend necessary to exempt the Managing Members and any other persons who may be deemed to be members of an advisory board of a Fund from filing Forms 3, 4, and 5 under section 16 of the Securities Exchange Act of 1934 (the ''Exchange Act'') with respect to their ownership of interests in the Fund. Because there is no trading market for interests in a Fund and the transferability of these interests is severely restricted, applicants submit that the filing of Forms 3, 4, and 5 would not serve the purposes underlying section 16, would be unnecessary for the protection of investors, and would be burdensome to those who would be required to file them.

Applicants' Conditions

Applicants agree that any order granting the requested relief will be subject to the following conditions:

1. Each proposed transaction otherwise prohibited by section 17(a) or section 17(d) and rule 17d–1 (''Section 17 Transactions'') will be effected only if the Managing Members determine that: (a) The terms of Section 17 Transaction including the consideration to be paid or received, are fair and reasonable to the Members of the participating Fund and do not involve overreaching of the Fund or its Members on the part of any person concerned, and (b) the Section 17 Transaction is consistent with the interests of the members of the participating Fund, the Fund's organizational documents, and the Fund's reports to its Members. In addition, the Managing Members will record and preserve a description of Section 17 Transactions, their findings, the information or materials upon which their findings are based, and the basis therefore. All such records will be maintained for the life of a Fund and at least two years thereafter, and will be subject to examination by the SEC and its staff. All such records will be maintained in an easily accessible place for at least the first two years.

2. In any case where purchases or sales are made from or to an entity affiliated with a Fund by reason of a 5% or more investment in such entity by a Managing Member, such Managing Member will not participate in the Managing Members' determination of whether or not to make such investment available to the Members of a Fund.

3. The Managing Members will adopt, and periodically review and update, procedures deigned to ensure that reasonable inquiry is made, prior to the consummation of any Section 17 Transaction, with respect to the possible involvement in the transaction of any affiliated person or promoter of or principal underwriter for the Funds, or any affiliated person of such a person, promoter, or principal underwriter.

4. The Managing Members will not make available to the Members of a Fund any investment in which a co-investor (''Co-Investor'') has or proposes to acquire the same class of securities of the same issuer, where the investment involves a joint enterprise or other joint arrangement within the meaning of rule 17d–1 in which the Fund and the Co-Investor are participants, unless any such Co-Investor, prior to disposing of all or part of its investment: (a) Gives the Members of the participating Fund holding such investment sufficient, but not less than one day's, notice of its intent to dispose of its investment, and (b) refrains from disposing of its investment unless the Members of the participating Fund holding the investment have the opportunity to dispose of their investment prior to or concurrently with, on the same terms as, and on a *pro rata* basis with, the Co-Investor. A Co-Investor is any person who is: (a) An ''affiliated person'' (as such term is defined in the Act) of the Fund; (b) the Company and any entities controlled by the Company; (c) a current or former partner of the Company; (d) an investment vehicle offered, sponsored, or managed by the Company or an

affiliated person of the Company; or (e) a company in which a Managing Member acts as an officer, director, or general partner, or has a similar capacity to control the sale or disposition of the company's securities. The restrictions contained in this condition, however, shall not be deemed to limit or prevent the disposition of an investment by a Co-Investor: (a) To its direct or indirect wholly-owned subsidiary, to any company (a ''parent'') of which the Co-Investor is a direct or indirect wholly-owned subsidiary or to a direct or indirect wholly-owned subsidiary of its parent; (b) to immediate family members of the Co-Investor or a trust established for any such family member; (c) when the investment is comprised of securities that are listed, or contemplated to be listed, on a national securities exchange registered under section 6 of the Exchange Act; or (d) when the investment is comprised of securities that are, or that are contemplated to be, national market system securities pursuant to section 11A(a)(2) of the Exchange Act and rule 11Aa2–1 under the Exchange Act.

5. The Managing Members of each Fund will send to each Member who had an interest in that Fund at any time during the fiscal year then ended, Fund financial statements. These financial statements may be unaudited. In addition, within 90 days after the end of each fiscal year of each of the Funds, or as soon as practicable thereafter, the Managing Members will send a report to each person who was a Member at any time during the fiscal year then ended, setting forth tax information as shall be necessary for the preparation by the Member of his federal and state income tax returns and a report of the investment activities of the Fund during such year.

6. Each Fund and its Managing Members will maintain and preserve, for the life of such Fund and at least two years thereafter, such accounts, books, and other documents as constitute the record forming the basis for the financial statements and annual reports of such Fund to be provided to its Members, and agree that all such records will be subject to examination by the SEC and its staff. These records will be maintained in an easily accessible place for at least the first two years.

For the SEC, by the Division of Investment Management, under delegated authority.

Margaret H. McFarland,

Deputy Secretary.

[FR Doc. 98–5819 Filed 3–5–98; 8:45 am]

BILLING CODE 8010–01–M

SECURITIES AND EXCHANGE COMMISSION

[Release No. IC–23050]

Notice of Applications for Deregistration Under Section 8(f) of the Investment Company Act of 1940

February 27, 1998.

The following is a notice of applications for deregistration under section 8(f) of the Investment Company Act of 1940 for the month of February, 1998. A copy of each application may be obtained for a fee at the SEC's Public Reference Branch, 450 Fifth St., N.W., Washington, D.C. 20549 (tel. 202–942–8090). An order granting each application will be issued unless the SEC orders a hearing. Interested persons may request a hearing on any application by writing to the SEC's Secretary at the address below and serving the relevant applicant with a copy of the request, personally or by mail. Hearing request should be received by the SEC by 5:30 p.m. on March 24, 1998, and should be accompanied by proof of service on the applicant, in the form of an affidavit or, for lawyers, a certificate of service. Hearing requests should state the nature of the writer's interest, the reason for the request, and the issues contested. Persons who wish to be notified of a hearing may request notification by writing to the Secretary, SEC, 450 Fifth Street, N.W., Washington, D.C. 20549. For Further Information Contact: Diane L. Titus, at (202) 942–0564, SEC, Division of Investment Management, Office of Investment Company Regulation, Mail Stop 5–6, 450 Fifth Street, N.W., Washington, D.C. 20549.

Kemper Short-Term Global Income Fund—B [811–6191]

Summary: Applicant seeks an order declaring that it has ceased to be an investment company. Applicant has never made a public offering of its securities and does not propose to make a public offering or engage in business of any kind.

Filing Date: The application was filed on December 10, 1997, and amended on January 27, 1998.

Applicant's Address: 222 South Riverside Plaza, Chicago, IL 60606.

Dreyfus Michigan Municipal Money Market Fund, Inc. [File No. 811–6013]

Summary: Applicant requests an order declaring that it has ceased to be an investment company. On August 26, 1996, applicant transferred its assets and liabilities to the Dreyfus Municipal Money Market Fund (the ''National Fund''), a registered open-end management investment company, based on the relative net asset value per share. Applicant and the National Fund paid a total of $25,000 in expenses related to the transaction.

Filing Dates: The application was filed on June 4, 1997, and amended on September 8, 1997.

Applicant's Address: 200 Park Ave., New York, NY 10166.

New York Life Insurance and Annuity Corporation Variable Universal Life Separate Account-II [File No. 811–7800]

Summary: Applicant seeks an order declaring that it has ceased to be an investment company. Applicant, a separate account organized as a unit investment trust, was established to fund qualified plans. No initial public offering ever commenced. Applicant never received funds or issued securities.

Filing Date: The application was filed on November 25, 1997, and amended and restated on February 3, 1998.

Applicant's Address: 51 Madison Avenue, New York, NY 10010.

Fidelity Deutsche Mark Performance Portfolio, L.P. [File No. 811–5111]; Fidelity Sterling Performance Portfolio, L.P. [File No. 811–5112]; Fidelity Yen Performance Portfolio, L.P. [File No. 811–5150]

Summary: Each applicant seeks an order declaring that it has ceased to be an investment company. On December 15, 1997, each applicant distributed its net assets to its shareholders at the net asset values per share. The Adviser will pay approximately $8,000 in expenses in connection with each of these liquidations.

Filing Dates: Each application was filed on January 27, 1998.

Applicants' Address: 82 Devonshire Street, Boston, Massachusetts 02109.

Seafirst Retirement Funds [File No. 811–5636–01]

Summary: Applicant seeks an order declaring that it has ceased to be an investment company. On June 23, 1997, applicant's three series—Bond Fund, Blue Chip Fund, and Asset Allocation Fund—each transferred all assets and liabilities to the Intermediate Bond Fund, Blue Chip Fund, and Asset Allocation Fund, respectively, of Pacific Horizon Funds, Inc., based on the relative net asset values per share. Bank of America National Trust and Savings Association, the investment adviser to the master trust in which the series of applicant and Pacific Horizon Funds, Inc. invest, paid approximately $232,800 in expenses related to the reorganization.

Filing Dates: The application was filed on August 22, 1997, amended on January 29, 1998, and will be amended during the notice period.

Applicant's Address: 701 Fifth Avenue, Seattle, WA 98104.

The Mackenzie Series Trust [File No. 811–4322]

Summary: Applicant seeks an order declaring that it has ceased to be an investment company. On September 5, 1997, applicant's four series transferred all assets and liabilities to series of Thornburg Investment Trust (''Thornburg Trust'') and Thornburg Limited Term Municipal Fund, Inc. (''Thornburg Inc.''), based on the relative net asset values per share. Mackenzie national Municipal Fund and Mackenzie new York Municipal Fund reorganized respectively into Thornburg Intermediate Municipal Fund and Thornburg New York Intermediate Municipal Fund, both series of Thornburg Trust. Mackenzie Limited Term Municipal Fund and Mackenzie California Municipal Fund reorganized respectively into Thornburg Limited Term Municipal Fund National Portfolio and Thornburg Limited Term Municipal Fund California Portfolio, both series of Thornburg Inc. Applicant's investment adviser, Mackenzie Investment Management Inc., paid approximately $70,000 in expenses related to the reorganization. All other expenses incurred in connection with the reorganization were paid by Thornburg Management Company, Inc., investment adviser to Thornburg Trust and Thornburg Inc.

Filing Dates: The application was filed on December 12, 1997, and amended on January 27, 1998.

Applicant's Address: Via Mizner Financial Plaza, 700 South Federal Highway, Suite 300, Boca Raton, FL 33432.

For the Commission, by the Division of Investment Management, pursuant to delegated authority.

Margaret H. McFarland,

Deputy Secretary.

[FR Doc. 98–5774 Filed 3–5–98; 8:45 am]

BILLING CODE 8010–01–M

SOCIAL SECURITY ADMINISTRATION

Agency Information Collection Activities: Proposed Collection Requests

This notice lists information collection packages that will require submission to the Office of Management and Budget (OMB), in compliance with Public Law 104–13 effective October 1, 1995, The Paperwork Reduction Act of 1995.

1. Function Report—Adult, SSA–3373–TEST; Function Report—Third Party, SSA–3380–TEST—0960–NEW. SSA will be testing new prototype disability forms. The information collected on the forms is needed for the determination of disability. The forms record information about the disability applicant's illnesses, injuries, conditions, impairment-related limitations and ability to function. The respondents are Title II and Title XVI disability applicants or individuals who know about the applicant's impairment, limitations and ability to function.

	Adult form	Third party form
Number of respondents	7,000	5,000
Frequency of response	1	1
Average burden per response	[1] 20	[1] 20
Estimated annual burden	[2] 2,333	[2] 1,667

[1] Minutes. [2] Hours.

2. Symptoms Report—0960–NEW. SSA will be testing new prototype disability forms, including the SSA–3370–TEST. The information collected on the form is needed for the determination of disability. The form records information about the disability applicant's description of symptoms of his or her illness, injury or condition. The respondents are applicants for Title II and Title XVI disability benefits.

Number of Respondents: 7,500.

Frequency of Response: 1.

Average Burden Per Response: 15 minutes.

Estimated Annual Burden: 1,875 hours.

3. Nursing Home Reporting Requirements Related to Supplemental Security Income (SSI) Recipients—0960–NEW. Public Law 103–387 requires long term, intermediate care and nursing home administrators to report SSI recipient admissions to SSA. SSA uses the information to determine whether SSI benefits should be reduced. The respondents are long term, intermediate care and nursing home administrators.

Number of Respondents: 16,000.

Frequency of Response: 2 per year.

Average Burden Per Response: 15 minutes.

Estimated Annual Burden: 8,000 hours.

4. Survey of Interest in International Social Security Agreements—0960–NEW. Section 233 of the Social Security Act authorizes the U.S. to enter into agreements with foreign countries for the purpose of eliminating double social security coverage and taxation and closing gaps in benefit protection for workers who have divided their careers between the U.S. and another country. SSA negotiates these agreements for the U.S. SSA is now planning its agreement negotiating agenda for the next several years. Since U.S. businesses with overseas operations are primary stakeholders in these agreements, SSA needs to survey these companies to determine which countries they believe would be good candidates for new Social Security agreements. SSA uses the information together with estimates of potential foreign tax savings and benefit payments, to determine priorities for new Totalization agreement negotiations for fiscal years 1999 through 2003. The respondents are U.S. businesses with overseas operations who have requested certificates of U.S. coverage from SSA.

Number of Respondents: 600.

Frequency of Response: 1.

Average Burden Per Response: 15 minutes.

Estimated Annual Burden: 150 hours.

5. Disability Hearing Officer's Report of Disability—0960–0507. The information of form SSA–1204–BK is used by the Disability Hearing Officer (DHO) to conduct an document disability hearings and to provide a structured format that concerns all conceivable issues relating to SSI claims for disabled children. The completed Form SSA–1204–BK will aid the DHO in preparing the disability decision and will provide a record of what transpired at the hearing. The respondents are DHOs in the State Disability Determination Services (DDS).

Number of Respondents: 100,000.

Frequency of Response: 1.

Average Burden Per Response: 60 minutes.

Estimated Annual Burden: 100,000 hours.

6. Disability Hearing Officer's Report of Disability Heairng—0960–0440. The information on form SSA–1205 is used by DHOs to conduct and record disability hearings. The form serves as a guide in conducting the hearings and ensures that all pertinent issues are considered. The respondents are DHOs in the State DDSs.

Number of Respondents: 100,000.

Frequency of Response: 1.

Average Burden Per Response: 60 minutes.

Estimated Annual Burden: 100,000 hours.

7. Disability Hearing Officer's Decision—0960–0441. The DHO uses the information on form SSA–1207 and the supplements—which apply to the type of claim involved—in preparing

the disability decision. The form will aid the DHO in addressing the crucial elements of the case in a sequential and logical fashion. The respondents are DHOs in the State DDSs.

Number of Respondents: 100,000.

Frequency of Response: 1.

Average Burden Per Response: 45 minutes.

Estimated Annual Burden: 75,000 hours.

8. Chinese Custom Marriage Statement (By One or Both of the Parties); and Statement Regarding Chinese Custom Marriage—0960–0086. The information on Forms SSA–1344 and 1345 is used by SSA to determine if an alleged spouse of the numberholder is legally married, in order to be paid Social Security benefits. The respondents are individuals applying for benefits based upon a Chinese custom marriage or individuals who attended the marriage ceremony.

	SSA–1344	SSA–1345
Number of Respondents:	100	100
Frequency of Response:	1	1
Average Burden Per Response:	[1]14	[1]14
Estimated Annual Burden:	[2]23	[2]23

[1] Minutes. [2] Hours.

9. Student's Statement Regarding School Attendance—0960–0105. The information on Form SSA–1372 is used by SSA to determine if a claimant is entitled to Social Security benefits as a student. The respondents are student claimants for Social Security benefits.

Number of Respondents: 200,000.

Frequency of Response: 1.

Average Burden Per Response: 10 minutes.

Estimated Annual Burden: 33,333 hours.

10. Application for Benefits under the Italy-U.S. International Social Security Agreement—0960–0445. The information on form SSA–2528 is used by SSA to determine if a resident of Italy is eligible for Social Security benefits under the Italy-U.S. Social Security agreement. The respondents are Italian residents who file for U.S. benefits with the Italian Social Security Agency.

Number of Respondents: 200.

Frequency of Response: 1.

Average Burden Per Response: 20 minutes.

Estimated Annual Burden: 67 hours.

Written comments and recommendations regarding the information collection(s) should be sent within 60 days from the date of this publication, directly to the SSA Reports Clearance Officer at the following address: Social Security Administration, DCFAM, Attn: Nicholas E. Tagliareni, 6401 Security Blvd., 1–A–21 Operations Bldg., Baltimore, MD 21235.

In addition to your comments on the accuracy of the agency's burden estimate, we are soliciting comments on the need for the information; its practical utility; ways to enhance its quality, utility and clarity; and on ways to minimize burden on respondents, including the use of automated collection techniques or other forms of information technology.

To receive a copy of any of the forms or clearance packages, call the SSA Reports Clearance Officer on (410) 965–4125 or write to him at the address listed above.

Dated: February 27, 1998.

Nicholas E. Tagliareni,

Reports Clearance Officer, Social Security Administration.

[FR Doc. 98–5811 Filed 3–5–98; 8:45 am]

BILLING CODE 4190–29–M

DEPARTMENT OF TRANSPORTATION

Office of the Secretary

Reports, Forms and Recordkeeping Requirements; Agency Information Collection Activity Under OMB Review

AGENCY: Office of the Secretary, DOT.

ACTION: Notice.

SUMMARY: In accordance with the Paperwork Reduction Act of 1995 (44 U.S.C. Chapter 3501, *et seq.*) the Department of Transportation has submitted the following emergency processing public Information Collection Requests (ICRs) abstracted below to the Office of Management and Budget (OMB) for review and clearance. The ICRs describe the nature of the information collections and their expected burden.

FOR FURTHER INFORMATION CONTACT: Phillip A. Leach, Office of the Secretary, U.S. Department of Transportation, 400 Seventh Street, SW., Washington, DC 20590, 202/366–0770.

SUPPLEMENTARY INFORMATION:

Office of the Secretary

1. Title: Report of DBE Awards and Commitments.

OMB Control Number: 2105–0510.

Type of Request: Reinstatement, without change, of a previously approved collection for which approval has expired.

Form(s): DOT F 4630.

Affected Public: DOT financially-assisted state and local transportation agencies.

Abstract: 49 CFR Part 23 establishes requirements for the Department of Transportation (DOT) so as to comply with the mandates of the Intermodal Surface Transportation and Efficiency Act (ISTEA) of 1991 (Pub. L. 102–240, December 18, 1991). 49 CFR Part 23.49(a) requires that DOT and its Operating Administrations develop a recordkeeping system to monitor, assess and identify contract awards and progress in achieving DBE subcontract goals. In addition, Pub. L. 102–240 section 1003(b) requires that each state annually survey and compile a list of small business concerns and the location of such concerns, and notify the Secretary of Transportation of the percentage of such concerns controlled by women and by socially and economically disadvantaged individuals other than women. If these reporting requirements were not available, firms controlled by minorities would not achieve the fullest possible participation in DOT programs, and the Department would not be able to identify its recipients and evaluate the extent to which financial assistance recipients have been awarded a reasonable amount.

In order to minimize the burden on DOT recipients the Department has limited its informational request and reporting frequency to that necessary to meet its program and administrative monitoring requirements. The informational request consists of 17 data items on one page and one attachment, to be completed on an annual, semi-annual or quarterly basis. It is the overall long range objective of DOT to permit all DOT recipients to report on a yearly basis depending upon their past experience in meeting their goals.

Estimated Annual Burden Hours: 20,824 hours.

2. Title: Uniform Administrative Requirements for Grants and Cooperative Agreements to State and Local Governments.

OMB Control Number: 2105–0520.

Type of Request: Reinstatement, with change, of a previously approved collection for which approval has expired.

Form(s): SF424, SF269, S7270, SF271, SF272.

Affected Public: State and local governments receiving Federal financial assistance from the Department of Transportation (DOT).

Abstract: Requirements for Federal administration of financial assistance to State and Local governments is provided to affected Executive agencies

via a common grant management rule, codified by DOT at 49 CFR part 18, Uniform Administrative Requirements for Grants and Cooperative Agreements to States and Local governments. The Office of Management and Budget (OMB) provides management and oversight of the common rule. OMB also provides for a standard figure of seventy (70) annual burden hours per grantee for completion of required forms.

Estimated Annual Burden Hours: 125,650 hours.

DOT is seeking emergency processing approval for 180 days to resolve internal discuss on how best to reduce the burden imposed on the public.

Issued in Washington, DC, on March 2, 1998.

Phillip A. Leach,

Clearance Officer, United States Department of Transportation.

[FR Doc. 98–5783 Filed 3–5–98; 8:45 am]

BILLING CODE 4910–62–P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

[Summary Notice No. PE 98–2]

Petitions for Exemption; Summary of Petitions Received; Dispositions of Petitions Issued; Correction

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Notice of petitions for exemption received and of disposition of prior petitions; Correction.

SUMMARY: This action corrects the comment due date in a Notice of petitions for exemption received and of dispositions of prior petitions; request for comments, published on March 3, 1998 (63 FR 10425).

DATES: Comments must be received on or before March 13, 1998.

ADDRESSES: Send comments on any petition in triplicate to: Federal Aviation Administration, Office of the Chief Counsel, Attn: Rule Docket (AGC–200), Petition Docket No._____, 800 Independence Avenue, S.W., Washington, D.C. 20591.

Comments may also be sent electronically to the following internet address: 9–NPRM–CMTS@faa.dot.gov.

FOR FURTHER INFORMATION CONTACT: Tawana Matthews, (202) 267–9783, or Angela Anderson (202) 267–9681.

Correction of Publication

In the Notice of petitions for exemption received and of disposition of prior petitions; request for comments, on page 10425 in the issue of Tuesday, March 3, 1998 (FR Doc. 98–5457), make the following correction: On page 10425, in the second column in the **DATES** section, the due date was previously listed as March 23, 1998. This date should be changed to March 13, 1998.

Issued in Washington, D.C., on March 3, 1998.

Joe A. Conte,

Acting Assistant Chief Counsel.

[FR Doc. 98–5921 Filed 3–4–98; 10:50 am]

BILLING CODE 4910–13–M

DEPARTMENT OF THE TREASURY

Fiscal Service

Financial Management Service; Proposed Collection of Information: Depositor's Application for Payment of Postal Savings Certificates

AGENCY: Financial Management Service, Fiscal Service, Treasury.

ACTION: Notice and request for comments.

SUMMARY: The Financial Management Service, 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 a continuing information collection. By this notice, the Financial Management Service solicits comments concerning the form ''Depositor's Application for Payment of Postal Savings Certificate.''

DATES: Written comments should be received on or before May 5, 1998.

ADDRESSES: Direct all written comments to Financial Management Service, 3361–L 75th Avenue, Landover, Maryland 20785.

FOR FURTHER INFORMATION CONTACT: Requests for additional information or copies of the form(s) and instructions should be directed to the Credit Accounting Branch, 3700 East-West Highway, Hyattsville, Maryland 20782, (202) 874–8740.

SUPPLEMENTARY INFORMATION: Pursuant to the Paperwork Reduction Act of 1995, (44 U.S.C. 3506(c)(2)(A)), the Financial Management Service solicits comments on the collection of information described below.

Title: Depositor's Application for Payment of Postal Savings Certificate.

OMB Number: 1510–0029.

Form Number: FMS 5118.

Abstract: This form is used when a depositor has lost, destroyed or misplaced their Postal Savings Certificate. This form replaces the certificate to support the application for payment.

Current Actions: Extension of currently approved collection.

Type of Review: Regular.

Affected Public: Individuals or households.

Estimated Number of Respondents: 250.

Estimated Time Per Respondent: 15 minutes.

Estimated Total Annual Burden Hours: 63.

Comments: Comments submitted in response to this notice will be summarized and/or included in the request for Office of Management and Budget 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-ups and costs of operation, maintenance and purchase of services to provide information.

Dated: February 27, 1998.

Diane E. Clark,

Assistant Commissioner, Management.

[FR Doc. 98–5871 Filed 3–5–98; 8:45 am]

BILLING CODE 4810–35–M

DEPARTMENT OF THE TREASURY

Fiscal Service

Surety Companies Acceptable on Federal Bonds: Change in State of Incorporation—the Travelers Indemnity Company of America

AGENCY: Financial Management Service, Fiscal Service, Department of the Treasury.

ACTION: Notice.

SUMMARY: This is Supplement No. 10 to the Treasury Department Circular 570; 1997 Revision, published July 1, 1997, at 62 FR 35548.

FOR FURTHER INFORMATION CONTACT: Surety Bond Branch at (202) 874–7102.

SUPPLEMENTARY INFORMATION: The Travelers Indemnity Company of America has redomesticated from the state of Georgia to the state of Connecticut effective June 30, 1997. The Company was last listed as an

acceptable surety on Federal bonds at 62 FR 35577, July 1, 1997.

Federal bond-approving officers should annotate their reference copies of the Treasury Circular 570, 1997 revision, on page 35577 to reflect this change.

The Circular may be viewed and downloaded through the Internet (http://www.fms.treas.gov/c570/index.html) or through our computerized public bulletin board system (FMS Inside Line) at (202) 874–6887. A hard copy may be purchased from the Government Printing Office (GPO), Subscription Service, Washington, DC, telephone (202) 512–1800. When ordering the Circular from GPO, use the following stock number: 048000–00509–8.

Questions concerning this notice may be directed to the U.S. Department of the Treasury, Financial Management Service, Funds Management Division, Surety Bond Branch, 3700 East-West Highway, Room 6A11, Hyattsville, MD 20782.

Dated: February 25, 1998.

Charles F. Schwan III,

Director, Funds Management Division, Financial Management Service.

[FR Doc. 98–5870 Filed 3–5–98; 8:45 am]

BILLING CODE 4810–35–M

UTAH RECLAMATION MITIGATION AND CONSERVATION COMMISSION

Notice of Availability of the Record of Decision on the Provo River Restoration Project

AGENCIES: The Utah Reclamation Mitigation and Conservation Commission (Mitigation Commission).

ACTION: Notice of availability of the Record of Decision (ROD).

SUMMARY: On February 23, 1998, Don A. Christiansen, Chairman of the Utah Reclamation Mitigation and Conservation Commission signed the Record of Decision (ROD) which documents the selection of the Proposed Action (the Riverine Habitat Restoration Alternative) as presented in the Provo River Restoration Project (PRRP) Final Environmental Impact Statement (FEIS), MC FES 97–01, filed December 23, 1997. The Mitigation Commission and the Department of the Interior served as joint lead agencies in the preparation of the PRRP FEIS. The Proposed Action and three alternatives are described and evaluated in the FEIS upon which the ROD is based. Implementation of the Proposed Action responds to the Mitigation Commission's and the Department of the Interior's need to mitigate for impacts of the Bonneville Unit of the Central Utah Project and other federal reclamation projects and to restore and improve fish and riparian habitats in the Provo River. The Proposed Action will accomplish this by making modifications to the shape, slope and alignment of the Provo River between Jordanelle Dam and Deer Creek Reservoir (Project Area). The objective of the modifications is to create a more naturally functioning river system, and thereby enhance biological productivity and diversity of the fish habitat, riparian, and other environmental resources in the river corridor. Public access would be provided to the restored and enhanced fishery and natural area.

The Assistant Secretary for Water and Science, Department of the Interior, will issue a separate ROD for the PRRP. The Assistant Secretary's separate decision is necessitated by the responsibility and authority of the Department of the Interior to mitigate for reclamation projects and because of the use of federal lands and interests in lands administered by the Bureau of Reclamation within the Project Area for the PRRP.

The Mitigation Commission selected the Proposed Action because it most thoroughly and effectively meets the need to restore and improve fish and riparian habitats in the Provo River as mitigation for the CUP and the Provo River Project. The Proposed Action meets mitigation requirements established by the Bureau of Reclamation's 1987 Final Supplement to the Final Environmental Statement for the Municipal and Industrial System of the Bonneville Unit (INT FES 87–8); by the 1988 Supplement to the Definite Plan Report for the Bonneville Unit; by the 1988 Aquatic Mitigation Plan for the Strawberry Aqueduct and Collection System of the Bonneville Unit of CUP; and by the U.S. Fish and Wildlife Service's report on the PRRP which identified mitigation needs for the Provo River Project.

The Proposed Action will accomplish these measures by increasing the length of the Provo River by 19 percent and improving the quality of the associated fish, wildlife and riparian habitat by restoring a meandering channel pattern and floodplain. Trout biomass is expected to increase by 481 percent over baseline. The Proposed Action would restore 237 acres of riparian habitats, thereby meeting the need for riparian habitat mitigation for impacts of the Jordanelle Reservoir component of the Municipal and Industrial System of the Bonneville Unit of CUP. Of principal significance, the Proposed Action not only meets the legal mitigation obligations of the PRRP, but is the alternative that most thoroughly meets the Mitigation Commission's ecosystem restoration standard established by the Central Utah Project Completion Act (Public Law 102–575) in 1992.

During preparation of the FEIS, the Mitigation Commission consulted formally on listed species with the U.S. Fish and Wildlife Service (FWS) under § 7 of the Endangered Species Act (16 U.S.C. sections 1531 to 1544, as amended). In a letter dated December 10, 1997, the FWS indicated that the Proposed Action Alternative selected by this ROD is not likely to adversely affect listed or proposed species or designated or proposed critical habitats. The Mitigation Commission and the Department of the Interior will continue to consult with FWS prior to and during construction to avoid actions that may affect proposed or listed species or their proposed or designated critical habitats.

FOR FURTHER INFORMATION: Additional information on matters related to this **Federal Register** notice can be obtained at the address and telephone number set forth below:

Mr. Mark Holden, Projects Manager, Utah Reclamation Mitigation and Conservation Commission, 102 West 500 South, Suite 315, Salt Lake City, UT 84601, Telephone: (801) 524–3146.

Dated: February 24, 1998.

Michael C. Weland,

Executive Director, Utah Reclamation Mitigation and Conservation Commission.

[FR Doc. 98–5754 Filed 3–5–98; 8:45 am]

BILLING CODE 4310–05–P

federal register

Friday
March 6, 1998

Part II

Department of Education

Native Hawaiian Curriculum Development, Teacher Training and Recruitment Program; Notice

DEPARTMENT OF EDUCATION

[CFDA No.: 84.297A]

Native Hawaiian Curriculum Development, Teacher Training and Recruitment Program

AGENCY: Department of Education.

ACTION: Notice of proposed funding Priorities for Fiscal Year (FY) 1998.

SUMMARY: The Secretary of Education proposes to establish absolute priorities for the FY 1998 grant competition under the Native Hawaiian Curriculum Development, Teacher Training and Recruitment Program. Under the priorities, funds would be reserved to support activities in the following three areas: (1) Waste management innovation; (2) native Hawaiian language revitalization curricula and teacher training and recruitment; and (3) prisoner education.

DATES: Comments must be received on or before April 6, 1998.

ADDRESSES: Comments should be addressed to Madeline Baggett, Office of Elementary and Secondary Education, U.S. Department of Education, 600 Independence Avenue, SW, Room 4500 Portals Building, Washington, D.C. 20202–6410, Telephone: (202) 260–2502, FAX: (202) 205–0302. Comments may also be sent through the Internet: at madeline__baggett@ed.gov.

FOR FURTHER INFORMATION CONTACT: Madeline Baggett, U. S. Department of Education, Room 4500, the Portals Building, 600 Independence Avenue, SW, Washington, DC 20202. Telephone: (202) 260–2502. 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.

Individuals with disabilities may obtain a copy of this notice in an alternate format (e.g., Braille, large print, audiotape, or computer diskette) on request to the contact person listed in the preceding paragraph.

SUPPLEMENTARY INFORMATION: There is available for distribution to eligible grantees under the Native Hawaiian Curriculum Development, Teacher Training and Recruitment Program (20 USC 7909) a total of $4 million of Fiscal Year (FY) 1998 funds. Congress has encouraged the U.S. Department of Education to use funds appropriated for this program for continuation awards and to support activities in each of the following three areas: (1) Waste management innovation; (2) Native Hawaiian language revitalization curricula and teacher training and recruitment; and (3) prisoner education. The Secretary believes that limiting newly funded projects to these areas will better address the unique needs of Native Hawaiian students, within the context of Native Hawaiian culture, language, and traditions. Therefore, the Secretary is proposing absolute funding priorities and intends to use $2 million of the FY 1998 funds available under the program to fund one or two projects in each of the three referenced categories. In funding these activities, the Secretary intends to allocate approximately $660,000 among each of the three categories and estimates that the average size of the FY 1998 awards for these new projects will range from $330,000 to $660,000. The remaining $2 million of FY 1998 funds will be used for continuation awards for previously funded projects.

The Secretary will announce the final priorities in a notice in the **Federal Register**. The final priorities will be determined by responses to this notice, available funds, and other considerations of the Department. Funding of a particular project depends on the final priority, the availability of funds, and the quality of the applications received. The publication of these proposed priorities does not preclude the Secretary from proposing additional priorities, nor does it limit the Secretary to funding only these priorities, subject to meeting applicable rulemaking requirements.

Note: This notice of proposed priorities does not solicit applications. A notice inviting applications under this competition will be published in the **Federal Register** concurrent with or following the notice of final priorities.

Proposed Absolute Priorities

The Secretary proposes to give an absolute preference to applications that focus entirely on activities in one of the following areas:

(1) Waste management innovation to study and document traditional Hawaiian practices of sustainable waste management and to prepare teaching materials for educational purposes and for demonstration of the use of native Hawaiian plants and animals for waste treatment and environmental remediation;

(2) Native Hawaiian language revitalization curricula and teacher training and recruitment activities, including K–12 language immersion programs, preservice and inservice teacher training programs, and programs designed to increase the number of Native Hawaiian teachers; and (3) prisoner education programs that target juvenile offenders and/or those youth at risk of becoming juvenile offenders. Comprehensive and culturally sensitive strategies for reaching the target population will include family counseling, basic education/job skills training, and the involvement of community elders as mentors.

Electronic Access to This Document

Anyone may view this document, as well as all other Department of Education documents published in the **Federal Register**, in text or portable document format (pdf) on the World Wide Web at either of the following sites:

http:\\ocfo.ed.gov\\fedreg.htm

http:\\ww:edgov\news.html

To use the pdf you must have the Adobe Acrobat Reader Program with Search, which is available free at either of the previous sites. If you have questions about using the pdf, call the U.S. Government Printing Office toll free at 1–888–293–6498.

Anyone may also view these documents in text copy on an electronic bulletin board of the Department. Telephone: (202)219–1511 or, toll free 1–800–222–4922. The documents are located under Option G—Files/Announcements, Bulletins and Press Releases.

Note: The official version of this document is the document published in the **Federal Register**.

Invitation To Comment

Interested persons are invited to submit comments and recommendations regarding these proposed priorities. All comments submitted in response to this notice will be available for public inspection during and after the comment period, in Room 4500, Portals Building, 1250 Maryland Avenue, SW, Washington, DC between 9:00 a.m. and 4:00 p.m., Monday through Friday of each week except Federal holidays.

Program Authority: Section 9209 of the Elementary and Secondary Education Act of 1965, as amended (20 USC 7909).

Gerald N. Tirozzi,

Assistant Secretary for Elementary and Secondary Education.

[FR Doc. 98–5832 Filed 3–5–98; 8:45 am]

BILLING CODE 4000–01–P

federal register

Friday
March 6, 1998

Part III

Environmental Protection Agency

40 CFR Part 300

National Priorities List for Uncontrolled Hazardous Waste Sites; Final Rule

ENVIRONMENTAL PROTECTION AGENCY

[FRL–5973–9]

40 CFR Part 300

National Priorities List for Uncontrolled Hazardous Waste Sites

AGENCY: Environmental Protection Agency.

ACTION: Final rule.

SUMMARY: The Comprehensive Environmental Response, Compensation, and Liability Act of 1980 (''CERCLA'' or ''the Act''), as amended, requires that the National Oil and Hazardous Substances Pollution Contingency Plan (''NCP'') include a list of national priorities among the known releases or threatened releases of hazardous substances, pollutants, or contaminants throughout the United States. The National Priorities List (''NPL'') constitutes this list. The NPL is intended primarily to guide the Environmental Protection Agency (''EPA'' or ''the Agency'') in determining which sites warrant further investigation to assess the nature and extent of public health and environmental risks associated with the site and to determine what CERCLA-financed remedial action(s), if any, may be appropriate.

This rule adds 6 new sites to the NPL, all to the General Superfund Section.

EFFECTIVE DATE: The effective date for this amendment to the NCP shall be April 6, 1998.

ADDRESSES: For addresses for the Headquarters and Regional dockets, as well as further details on what these dockets contain, see Section II, ''Availability of Information to the Public'' in the ''Supplementary Information'' portion of this preamble.

FOR FURTHER INFORMATION CONTACT: Terry Keidan, phone (703) 603–8852, State and Site Identification Center, Office of Emergency and Remedial Response (mail code 5204G), U.S. Environmental Protection Agency, 401 M Street, SW, Washington, DC, 20460, or the Superfund Hotline, phone (800) 424–9346 or (703) 412–9810 in the Washington, DC, metropolitan area.

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I. Background

What Are CERCLA and SARA?

In 1980, Congress enacted the Comprehensive Environmental Response, Compensation, and Liability Act, 42 U.S.C. 9601–9675 (''CERCLA'' or ''the Act''), in response to the dangers of uncontrolled releases of hazardous substances. CERCLA was amended on October 17, 1986, by the Superfund Amendments and Reauthorization Act (''SARA''), Public Law 99–499, 100 Stat. 1613 *et seq.*

What Is the NCP?

To implement CERCLA, EPA promulgated the revised National Oil and Hazardous Substances Pollution Contingency Plan (''NCP''), 40 CFR Part 300, on July 16, 1982 (47 FR 31180), pursuant to CERCLA section 105 and Executive Order 12316 (46 FR 42237, August 20, 1981). The NCP sets guidelines and procedures for responding to releases and threatened releases of hazardous substances, pollutants, or contaminants under CERCLA. EPA has revised the NCP on several occasions. The most recent comprehensive revision was on March 8, 1990 (55 FR 8666).

As required under Section 105(a)(8)(A) of CERCLA, the NCP also includes ''criteria for determining priorities among releases or threatened releases throughout the United States for the purpose of taking remedial action and, to the extent practicable, taking into account the potential urgency of such action for the purpose of taking removal action.'' (''Removal'' actions are defined broadly and include a wide range of actions taken to study, clean up, prevent or otherwise address releases and threatened releases 42 U.S.C. 9601(23).)

What Is the National Priorities List (NPL)?

The NPL is a list of national priorities among the known or threatened releases of hazardous substances, pollutants, or contaminants throughout the United States. The list, which is Appendix B of the NCP (40 CFR Part 300), was required under section 105(a)(8)(B) of CERCLA, as amended by SARA. Section 105(a)(8)(B) defines the NPL as a list of ''releases'' and the highest priority ''facilities'' and requires that the NPL be revised at least annually. The NPL is intended primarily to guide EPA in determining which sites warrant further investigation to assess the nature and extent of public health and environmental risks associated with a release of hazardous substances. However, the NPL is only of limited significance, as it does not assign liability to any party or to the owner of any specific property. Neither does placing a site on the NPL mean that any remedial or removal action necessarily need be taken.

The NPL includes two sections, one of sites that are evaluated and cleaned up by EPA (the ''General Superfund Section''), and one of sites being addressed generally by other Federal agencies (the ''Federal Facilities Section''). Under Executive Order 12580 (52 FR 2923, January 29, 1987) and

CERCLA section 120, each Federal agency is responsible for carrying out most response actions at facilities under its own jurisdiction, custody, or control, although EPA is responsible for preparing an HRS score and determining whether the facility is placed on the NPL. EPA generally is not the lead agency at Federal Facilities Section sites, and its role at such sites is accordingly less extensive than at other sites.

How Are Sites Listed on the NPL?

There are three mechanisms for placing sites on the NPL for possible remedial action (see 40 CFR 300.425(c) of the NCP):

(1) A site may be included on the NPL if it scores sufficiently high on the Hazard Ranking System (''HRS''), which EPA promulgated as Appendix A of the NCP (40 CFR Part 300). The HRS serves as a screening device to evaluate the relative potential of uncontrolled hazardous substances to pose a threat to human health or the environment. On December 14, 1990 (55 FR 51532), EPA promulgated revisions to the HRS partly in response to CERCLA section 105(c), added by SARA. The revised HRS evaluates four pathways: ground water, surface water, soil exposure, and air. As a matter of Agency policy, those sites that score 28.50 or greater on the HRS are eligible for the NPL.

(2) Each State may designate a single site as its top priority to be listed on the NPL, regardless of the HRS score. This mechanism, provided by the NCP at 40 CFR 300.425(c)(2) requires that, to the extent practicable, the NPL include within the 100 highest priorities, one facility designated by each State representing the greatest danger to public health, welfare, or the environment among known facilities in the State (see 42 U.S.C. 9605(a)(8)(B)).

(3) The third mechanism for listing, included in the NCP at 40 CFR 300.425(c)(3), allows certain sites to be listed regardless of their HRS score, if all of the following conditions are met:

- The Agency for Toxic Substances and Disease Registry (ATSDR) of the U.S. Public Health Service has issued a health advisory that recommends dissociation of individuals from the release.
- EPA determines that the release poses a significant threat to public health.
- EPA anticipates that it will be more cost-effective to use its remedial authority than to use its removal authority to respond to the release.

EPA promulgated an original NPL of 406 sites on September 8, 1983 (48 FR 40658). The NPL has been expanded since then, most recently on September 25, 1997 (62 FR 50442).

What Happens to Sites on the NPL?

A site may undergo remedial action financed by the Trust Fund established under CERCLA (commonly referred to as the ''Superfund'') only after it is placed on the NPL, as provided in the NCP at 40 CFR 300.425(b)(1). (''Remedial actions'' are those ''consistent with permanent remedy, taken instead of or in addition to removal actions * * *.'' 42 U.S.C. 9601(24).) However, under 40 CFR 300.425(b)(2) placing a site on the NPL ''does not imply that monies will be expended.'' EPA may pursue other appropriate authorities to respond to the releases, including enforcement action under CERCLA and other laws.

How Are Site Boundaries Defined?

The NPL does not describe releases in precise geographical terms; it would be neither feasible nor consistent with the limited purpose of the NPL (to identify releases that are priorities for further evaluation), for it to do so.

Although a CERCLA ''facility'' is broadly defined to include any area where a hazardous substance release has ''come to be located'' (CERCLA section 101(9)), the listing process itself is not intended to define or reflect the boundaries of such facilities or releases. Of course, HRS data (if the HRS is used to list a site) upon which the NPL placement was based will, to some extent, describe the release(s) at issue. That is, the NPL site would include all releases evaluated as part of that HRS analysis.

When a site is listed, the approach generally used to describe the relevant release(s) is to delineate a geographical area (usually the area within an installation or plant boundaries) and identify the site by reference to that area. As a legal matter, the site is not coextensive with that area, and the boundaries of the installation or plant are not the ''boundaries'' of the site. Rather, the site consists of all contaminated areas within the area used to identify the site, as well as any other location to which that contamination has come to be located, or from which that contamination came.

In other words, while geographic terms are often used to designate the site (e.g., the ''Jones Co. plant site'') in terms of the property owned by a particular party, the site properly understood is not limited to that property (e.g., it may extend beyond the property due to contaminant migration), and conversely may not occupy the full extent of the property (e.g., where there are uncontaminated parts of the identified property, they may not be, strictly speaking, part of the ''site''). The ''site'' is thus neither equal to nor confined by the boundaries of any specific property that may give the site its name, and the name itself should not be read to imply that this site is coextensive with the entire area within the property boundary of the installation or plant. The precise nature and extent of the site are typically not known at the time of listing. Also, the site name is merely used to help identify the geographic location of the contamination. For example, the ''Jones Co. plant site,'' does not imply that the Jones company is responsible for the contamination located on the plant site.

EPA regulations provide that the ''nature and extent of the threat presented by a release'' will be determined by a remedial investigation/feasibility study (RI/FS) as more information is developed on site contamination (40 CFR 300.430(d)). During the RI/FS process, the release may be found to be larger or smaller than was originally thought, as more is learned about the source(s) and the migration of the contamination. However, this inquiry focuses on an evaluation of the threat posed; the boundaries of the release need not be exactly defined. Moreover, it generally is impossible to discover the full extent of where the contamination ''has come to be located'' before all necessary studies and remedial work are completed at a site. Indeed, the known boundaries of the contamination can be expected to change over time. Thus, in most cases, it may be impossible to describe the boundaries of a release with absolute certainty.

Further, as noted above, NPL listing does not assign liability to any party or to the owner of any specific property. Thus, if a party does not believe it is liable for releases on discrete parcels of property, supporting information can be submitted to the Agency at any time after a party receives notice it is a potentially responsible party.

For these reasons, the NPL need not be amended as further research reveals more information about the location of the contamination or release.

How Are Sites Removed From the NPL?

EPA may delete sites from the NPL where no further response is appropriate under Superfund, as explained in the NCP at 40 CFR 300.425(e). This section also provides that EPA shall consult with states on proposed deletions and shall consider whether any of the following criteria have been met:

(i) Responsible parties or other persons have implemented all appropriate response actions required;

(ii) All appropriate Superfund-financed response has been implemented and no further response action is required; or

(iii) The remedial investigation has shown the release poses no significant threat to public health or the environment, and taking of remedial measures is not appropriate.

To date, the Agency has deleted 162 sites from the NPL.

Can Portions of Sites be Deleted From the NPL as They Are Cleaned Up?

In November 1995, EPA initiated a new policy to delete portions of NPL sites where cleanup is complete (60 FR 55465, November 1, 1995). Total site cleanup may take many years, while portions of the site may have been cleaned up and available for productive use. As of March 1998, EPA has deleted portions of 9 sites.

What Is the Construction Completion List (CCL)?

EPA also has developed an NPL construction completion list (''CCL'') to simplify its system of categorizing sites and to better communicate the successful completion of cleanup activities (58 FR 12142, March 2, 1993). Inclusion of a site on the CCL has no legal significance.

Sites qualify for the CCL when:

(1) any necessary physical construction is complete, whether or not final cleanup levels or other requirements have been achieved;

(2) EPA has determined that the response action should be limited to measures that do not involve construction (e.g., institutional controls); or

(3) the site qualifies for deletion from the NPL.

In addition to the 155 sites that have been deleted from the NPL because they have been cleaned up (7 sites have been deleted based on deferral to other authorities and are not considered cleaned up), an additional 353 sites are also on the NPL CCL. Thus, as of March 1998, the CCL consists of 508 sites.

II. Availability of Information to the Public

Can I Review the Documents Relevant to This Final Rule?

Yes, the documents relating to the evaluation and scoring of the sites in this final rule are contained in dockets located both at EPA Headquarters and in the appropriate Regional offices.

What Documents Are Available for Review at the Headquarters Docket?

The Headquarters docket for this rule contains HRS score sheets for all of the sites that were added to the NPL based on HRS scores, Documentation Records for those sites describing the information used to compute the scores, pertinent information regarding statutory requirements or EPA listing policies that affect those sites, and a list of documents referenced in each of the Documentation Records. The Headquarters docket also contains comments received, and the Agency's responses to those comments. The Agency's responses are contained in the ''Support Document for the Revised National Priorities List Final Rule—March 1998.''

A general discussion of the statutory requirements affecting NPL listing, the purpose and implementation of the NPL, the economic impacts of NPL listing, and the analysis required under the Regulatory Flexibility Act is included as part of the Headquarters rulemaking docket in the ''Additional Information'' document.

What Documents Are Available for Review at the Regional Dockets?

The Regional dockets contain all the information in the Headquarters docket, plus the actual reference documents containing the data principally relied upon by EPA in calculating or evaluating the HRS scores for the sites. These reference documents are available only in the Regional dockets.

How Do I Access the Documents?

You may view the documents, by appointment only, after the publication of this notice. The hours of operation for the Headquarters docket are from 9:00 a.m. to 4:00 p.m., Monday through Friday, excluding Federal holidays. Please contact the Regional Docket for hours.

You may also request copies from the Headquarters or appropriate Regional docket. An informal request, rather than a formal written request under the Freedom of Information Act, should be the ordinary procedure for obtaining copies of any of these documents.

Following is the contact information for the EPA Headquarters and Regional dockets:

Docket Coordinator, Headquarters, U.S. EPA CERCLA Docket Office, Crystal Gateway #1, 1st Floor, 1235 Jefferson Davis Highway, Arlington, VA, 703/603–8917

Jim Kyed, Region 1, U.S. EPA Waste Management Records Center, HRC–CAN–7, J.F. Kennedy Federal Building, Boston, MA 02203–2211, 617/573–9656

Ben Conetta, Region 2, U.S. EPA, 290 Broadway, New York, NY 10007–1866, 212/637–4435

Diane McCreary, Region 3, U.S. EPA Library, 3rd Floor, 841 Chestnut Building, 9th & Chestnut Streets, Philadelphia, PA 19107, 215/566–5250

Kathy Piselli, Region 4, U.S. EPA, 100 Alabama Street, SW, Atlanta, GA 30303, 404/562–8190

Region 5

U.S. EPA, Records Center, Waste Management Division 7–J, Metcalfe Federal Building, 77 West Jackson Boulevard, Chicago, IL 60604, (312) 886–7570

Brenda Cook, Region 6, U.S. EPA, 1445 Ross Avenue, Mail Code 6SF–RA, Dallas, TX 75202–2733, 214/655–7436

Carole Long, Region 7, U.S. EPA, 726 Minnesota Avenue, Kansas City, KS 66101, 913/551–7224

Pat Smith, Region 8, U.S. EPA, 999 18th Street, Suite 500, Denver, CO 80202–2466, 303/312–6082

Carolyn Douglas, Region 9, U.S. EPA, 75 Hawthorne Street, San Francisco, CA 94105, 415/744–2343

David Bennett, Region 10, U.S. EPA, 11th Floor, 1200 6th Avenue, Mail Stop ECL–115, Seattle, WA 98101, 206/553–2103

How Can I Obtain a Current List of NPL Sites?

You may obtain a current list of NPL sites via the internet at WWW.EPA.GOV/SUPERFUND (look under site information category) or by contacting the Superfund Docket (see contact information above).

III. Contents of This Final Rule

Additions to the NPL

This final rule adds 6 sites to the NPL, all to the General Superfund Section. The following table presents the sites in this rule arranged alphabetically by State and identifies their rank by group number. Group numbers are determined by arranging the NPL by rank and dividing it into groups of 50 sites. For example, a site in Group 4 has an HRS score that falls within the range of scores covered by the fourth group of 50 sites on the NPL.

TABLE 1.—NATIONAL PRIORITIES LIST FINAL RULE, GENERAL SUPERFUND SECTION

State	Site name	City/county	Group
FL	Florida Petroleum Reprocessors	Fort Lauderdale	5/6
IN	Cam-Or Inc	Westville	2
NJ	Puchack Well Field	Pennsauken Township.	5/6
NJ	Zschiegner Refining	Howell Township	5/6
NY	Fulton Avenue	North Hempstead	21
NY	Peter Cooper	Gowanda	5/6

Number of Sites Added to the General Superfund Section: 6.

Status of NPL

With the new sites added in today's rule, the NPL now contains 1,197 sites, 1,046 in the General Superfund Section and 151 in the Federal Facilities Section. With a proposed NPL rule published elsewhere in today's **Federal Register**, there are now 54 sites proposed and awaiting final agency action, 46 in the General Superfund Section and 8 in the Federal Facilities Section. Final and proposed sites now total 1,251.

Name Change

EPA is changing the name of the Northwest Pipe & Casing Co. site in Clackamas, Oregon, to Northwest Pipe & Casing/Hall Process Company. EPA believes this new name more accurately reflects the site.

What Did EPA Do With the Public Comments It Received?

EPA reviewed all comments received on sites included in this rule. Based on comments received on the proposed sites (published at 62 FR 15594, April 1, 1997 and 62 FR 50450, September 25, 1997), as well as investigation by EPA and the States (generally in response to comment), EPA recalculated the HRS scores for individual sites where appropriate. EPA's response to site-specific public comments and explanations of any score changes made as a result of such comments are addressed in the ''Support Document for the Revised National Priorities List Final Rule— March 1998.''

IV. Executive Order 12866

What Is Executive Order 12866?

Executive Order 12866 requires certain regulatory assessments for any ''economically significant regulatory action,'' defined as one which would result in an annual effect on the economy of $100 million or more, or have other substantial impacts.

Is This Final Rule Subject to Executive Order 12866 Review?

No, the Office of Management and Budget (OMB) has exempted this regulatory action from Executive Order 12866 review.

V. Unfunded Mandates

What Is the Unfunded Mandates Reform Act (UMRA)?

Title II of the Unfunded Mandates Reform Act of 1995 (UMRA), Public Law 104–4, establishes requirements for Federal Agencies to assess the effects of their regulatory actions on State, local, and tribal governments and the private sector. Under Section 202 of the UMRA, EPA generally must prepare a written statement, including a cost-benefit analysis, for proposed and final rules with ''Federal mandates'' that may result in expenditures by State, local, and tribal governments, in the aggregate, or by the private sector, of $100 million or more in any one year. Before EPA promulgates a rule for which a written statement is needed, section 205 of the UMRA generally requires EPA to identify and consider a reasonable number of regulatory alternatives and adopt the least costly, most cost-effective, or least burdensome alternative that achieves the objectives of the rule. The provisions of section 205 do not apply when they are inconsistent with applicable law. Moreover, section 205 allows EPA to adopt an alternative other than the least costly, most cost-effective, or least burdensome alternative if the Administrator publishes with the final rule an explanation why that alternative was not adopted. Before EPA establishes any regulatory requirements that may significantly or uniquely affect small governments, including tribal governments, it must have developed under section 203 of the UMRA a small government agency plan. The plan must provide for notifying potentially affected small governments, enabling officials of affected small governments to have meaningful and timely input in the development of EPA regulatory proposals with significant Federal intergovernmental mandates, and informing, educating, and advising small governments on compliance with the regulatory requirements.

Does UMRA Apply to This Final Rule?

No, EPA has determined that this rule 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. This rule will not impose any federal intergovernmental mandate because it imposes no enforceable duty upon State, tribal or local governments. Listing a site on the NPL does not itself impose any costs. Listing does not mean that EPA necessarily will undertake remedial action. Nor does listing require any action by a private party or determine liability for response costs. Costs that arise out of site responses result from site-specific decisions regarding what actions to take, not directly from the act of listing a site on the NPL.

For the same reasons, EPA also has determined that this rule contains no regulatory requirements that might significantly or uniquely affect small governments. In addition, as discussed above, the private sector is not expected to incur costs exceeding $100 million. EPA has fulfilled the requirement for analysis under the Unfunded Mandates Reform Act.

VI. Effect on Small Businesses

What Is the Regulatory Flexibility Act?

The Regulatory Flexibility Act of 1980 requires EPA to review the impacts of this action on small entities, or certify that the action will not have a significant impact on a substantial number of small entities. By small entities, the Act refers to small businesses, small government jurisdictions, and nonprofit organizations.

Does the Regulatory Flexibility Act Apply to This Final Rule?

While this rule revises the NPL, an NPL revision is not a typical regulatory change since it does not automatically impose costs. As stated above, adding a

site to the NPL does not in itself require any action by any party, nor does it determine the liability of any party for the cost of any cleanup at the site. Further, no identifiable groups are affected. As a consequence, impacts on any group are hard to predict. A site's inclusion on the NPL could increase the likelihood of adverse impacts on responsible parties (in the form of cleanup costs), but at this time EPA cannot identify the potentially affected businesses or estimate the number of small businesses that might also be affected.

The Agency does expect that placing the sites in this rule on the NPL could significantly affect certain industries, or firms within industries, that have caused a proportionately high percentage of waste site problems. However, EPA does not expect the listing of these sites to have a significant economic impact on a substantial number of small businesses.

In any case, economic impacts would occur only through enforcement and cost-recovery actions, which EPA takes at its discretion on a site-by-site basis. EPA considers many factors when deciding on enforcement actions, including not only a firm's contribution to the problem, but also its ability to pay. The impacts (from cost recovery) on small governments and nonprofit organizations would be determined on a similar case-by-case basis.

For the foregoing reasons, I hereby certify that this rule will not have a significant economic impact on a substantial number of small entities. Therefore, this regulation does not require a regulatory flexibility analysis.

VII. Possible Changes to the Effective Date of the Rule

Has This Rule Been Submitted to Congress and the General Accounting Office?

The Congressional Review Act, 5 U.S.C. 801 *et seq.*, as enacted by the Small Business Regulatory Enforcement Fairness Act of 1996, generally provides that before a rule may take effect, the agency promulgating the rule must submit a rule report, which includes a copy of the rule, to each House of the Congress and to the Comptroller General of the United States. EPA will submit a report containing this rule and other required information to the U.S. Senate, the U.S. House of Representatives, and the Comptroller General of the United States prior to publication of the rule in the **Federal Register**. This rule is not a ''major rule'' as defined by 5 U.S.C. 804(2).

Could the Effective Date of This Final Rule Change?

Provisions of the Congressional Review Act (CRA) or section 305 of CERCLA may alter the effective date of this regulation.

Under the CRA, 5 U.S.C. 801(a), before a rule can take effect the federal agency promulgating the rule must submit a report to each House of the Congress and to the Comptroller General. This report must contain a copy of the rule, a concise general statement relating to the rule (including whether it is a major rule), a copy of the cost-benefit analysis of the rule (if any), the agency's actions relevant to provisions of the Regulatory Flexibility Act (affecting small businesses) and the Unfunded Mandates Reform Act of 1995 (describing unfunded federal requirements imposed on state and local governments and the private sector), and any other relevant information or requirements and any relevant Executive Orders.

EPA has submitted a report under the CRA for this rule. The rule will take effect, as provided by law, within 30 days of publication of this notice, since it is not a major rule. Section 804(2) defines a major rule as any rule that the Administrator of the Office of Information and Regulatory Affairs (OIRA) of the Office of Management and Budget (OMB) finds has resulted in or is likely to result in: an annual effect on the economy of $100,000,000 or more; a major increase in costs or prices for consumers, individual industries, Federal, State, or local government agencies, or geographic regions; or significant adverse effects on competition, employment, investment, productivity, innovation, or on the ability of United States-based enterprises to compete with foreign-based enterprises in domestic and export markets. NPL listing is not a major rule because, as explained above, the listing, itself, imposes no monetary costs on any person. It establishes no enforceable duties, does not establish that EPA necessarily will undertake remedial action, nor does it require any action by any party or determine its liability for site response costs. Costs that arise out of site responses result from site-by-site decisions about what actions to take, not directly from the act of listing itself. Section 801(a)(3) provides for a delay in the effective date of major rules after this report is submitted.

What Could Cause the Effective Date of This Rule to Change?

Under 5 U.S.C. 801(b)(1) a rule shall not take effect, or continue in effect, if Congress enacts (and the President signs) a joint resolution of disapproval, described under section 802.

Another statutory provision that may affect this rule is CERCLA section 305, which provides for a legislative veto of regulations promulgated under CERCLA. Although *INS* v. *Chadha*, 462 U.S. 919,103 S. Ct. 2764 (1983) and *Bd. of Regents of the University of Washington* v. *EPA*, 86 F.3d 1214,1222 (D.C. Cir. 1996) cast the validity of the legislative veto into question, EPA has transmitted a copy of this regulation to the Secretary of the Senate and the Clerk of the House of Representatives.

If action by Congress under either the CRA or CERCLA section 305 calls the effective date of this regulation into question, EPA will publish a document of clarification in the **Federal Register**.

VIII. National Technology and Advancement Act

What Is the National Technology and Advancement Act?

Section 12(d) of the National Technology and Advancement Act of 1995 (NTTAA), Public Law 104–113, section 12(d) (15 U.S.C. 272 note), directs EPA to use voluntary consensus standards in its regulatory activities unless to do so would be inconsistent with applicable law or otherwise impractical. Voluntary consensus standards are technical standards (e.g., materials specifications, test methods, sampling procedures, business practices, etc.) that are developed or adopted by voluntary consensus standards bodies. The NTTAA requires EPA to provide Congress, through OMB explanations when the Agency decides not to use available and applicable voluntary consensus standards.

Does the National Technology and Advancement Act Apply to This Final Rule?

EPA is not using any new test methods or other technical standards as part of today's rule, which adds sites to the NPL. Thus, the Agency does not need to consider the use of voluntary consensus standards in developing this final rule. EPA invites public comment on this analysis.

IX. Executive Order 13045

What Is Executive Order 13045?

On April 21, 1997, the President issued Executive Order 13045 entitled Protection of Children From Environmental Health Risks and Safety

Risks (62 FR 19883). Under section 5 of the Order, a federal agency submitting a ''covered regulatory action ''to OMB for review under Executive Order 12866 must provide information regarding the environmental health or safety affects of the planned regulation on children. A ''covered regulatory action'' is defined in section 2–202 as a substantive action in a rulemaking, initiated after the date of this order or for which a Notice of Proposed Rulemaking is published 1 year after the date of this order, that is likely to result in a rule that may be ''economically significant'' under Executive Order 12866 and concern an environmental health risk or safety risk that an agency has reason to believe may disproportionately affect children.

Does Executive Order 13045 Apply to This Final Rule?

This final rule is not a ''covered regulatory action'' as defined in the Order and accordingly is not subject to section 5 of the Order. As discussed above this final rule does not constitute economically significant action (i.e., it is not expected to have an annual adverse impact of $100 million or more) under Executive Order 12866. Further, this rule does not concern an environmental health risk or safety risk that disproportionately affects children.

X. Paperwork Reduction Act

What Is the Paperwork Reduction Act?

According to the Paperwork Reduction Act (PRA), 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 that requires OMB approval under the PRA, unless it has been approved by OMB and displays a currently valid OMB control number. The OMB control numbers for EPA's regulations, after initial display in the preamble of the final rules, are listed in 40 CFR part 9. The information collection requirements related to this action have already been approved by OMB pursuant to the PRA under OMB control number 2070–0012 (EPA ICR No. 574).

Does the Paperwork Reduction Act Apply to This Final Rule?

This action does not impose any burden requiring OMB approval under the Paperwork Reduction Act.

XI. Executive Order 12875

What Is Executive Order 12875 and Is It Applicable to This Final Rule?

Enhancing the Intergovernmental Partnership.—This final rule does not impose any enforceable duty or contain any unfunded mandate that would require any prior consultation with State, local or tribal officials under Executive Order 12875.

List of Subjects in 40 CFR Part 300

Environmental protection, Air pollution control, Chemicals, Hazardous materials, Intergovernmental relations, Natural resources, Oil pollution, Reporting and recordkeeping requirements, Superfund, Waste treatment and disposal, Water pollution control, Water supply.

Dated: February 26, 1998.

Timothy Fields, Jr.,

Acting Assistant Administrator, Office of Solid Waste and Emergency Response.

40 CFR part 300 is amended as follows:

PART 300—[AMENDED]

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

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

2. Table 1 of Appendix B to Part 300 is amended by revising the site name ''Northwest Pipe & Casing Co'' under Clackamas, Oregon to read ''Northwest Pipe & Casing/Hall Process Company'' and by adding sites in alphabetical order to read as follows:

Appendix B to Part 300—National Priorities List

TABLE 1.—GENERAL SUPERFUND SECTION

State	Site name	City/County	Notes(a)
*	* * * * *	*	*
FL	Florida Petroleum Reprocessors	Fort Lauderdale.	
*	* * * * *	*	*
IN	Cam-Or Inc	Westville.	
*	* * * * *	*	*
NJ	Puchack Well Field	Pennsauken Township.	
*	* * * * *	*	*
NJ	Zschiegner Refining	Howell Township.	
*	* * * * *	*	*
NY	Fulton Avenue	North Hempstead.	
*	* * * * *	*	*
NY	Peter Cooper	Gowanda.	
*	* * * * *	*	*

(a) A=Based on issuance of health advisory by Agency for Toxic Substances and Disease Registry (if scored, HRS score need not be ≤ 28.50).

* * * * *

[FR Doc. 98–5725 Filed 3–5–98; 8:45 am]

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federal register

Friday
March 6, 1998

Part IV

Environmental Protection Agency

40 CFR Part 300

National Priorities List for Uncontrolled Hazardous Waste Sites; Proposed Rule

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 300

[FRL–5974–5]

National Priorities List for Uncontrolled Hazardous Waste Sites, Proposed Rule No. 24

AGENCY: Environmental Protection Agency.

ACTION: Proposed rule.

SUMMARY: The Comprehensive Environmental Response, Compensation, and Liability Act (''CERCLA'' or ''the Act''), requires that the National Oil and Hazardous Substances Pollution Contingency Plan (''NCP'') include a list of national priorities among the known releases or threatened releases of hazardous substances, pollutants, or contaminants throughout the United States. The National Priorities List (''NPL'') constitutes this list. The NPL is intended primarily to guide the Environmental Protection Agency (''EPA'' or ''the Agency'') in determining which sites warrant further investigation to assess the nature and extent of public health and environmental risks associated with the site and to determine what CERCLA-financed remedial action(s), if any, may be appropriate.

This rule proposes to add 8 new sites to the NPL, 6 to the General Superfund section and 2 to the Federal facilities section.

DATES: Comments regarding any of these proposed listings must be submitted (postmarked) on or before May 5, 1998. EPA has changed its policy and will normally no longer respond to late comments.

ADDRESSES:

By Postal Mail: Mail original and three copies of comments (no facsimiles or tapes) to Docket Coordinator, Headquarters; U.S. EPA; CERCLA Docket Office; (Mail Code 5201G); 401 M Street, SW; Washington, DC 20460; 703/603–9232.

By Express Mail: Send original and three copies of comments (no facsimiles or tapes) to Docket Coordinator, Headquarters; U.S. EPA; CERCLA Docket Office; 1235 Jefferson Davis Highway; Crystal Gateway #1, First Floor; Arlington, VA 22202.

By E-Mail: Comments in ASCII format only may be mailed directly to SUPERFUND. DOCKET@EPAMAIL.EPA.GOV. E-mailed comments must be followed up by an original and three copies sent by mail or Federal Express.

For additional Docket addresses and further details on their contents, see Section II, ''Public Review/Public Comment,'' of the **SUPPLEMENTARY INFORMATION** portion of this preamble.

FOR FURTHER INFORMATION CONTACT: Terry Keidan, phone (703) 603–8852, State, Tribal and Site Identification Center, Office of Emergency and Remedial Response (Mail Code 5204G), U.S. Environmental Protection Agency, 401 M Street, SW, Washington, DC, 20460, or the Superfund Hotline, Phone (800) 424–9346 or (703) 412–9810 in the Washington, DC, metropolitan area.

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I. Background

What Are CERCLA and SARA?

In 1980, Congress enacted the Comprehensive Environmental Response, Compensation, and Liability Act, 42 U.S.C. 9601–9675 (''CERCLA'' or ''the Act''), in response to the dangers of uncontrolled releases of hazardous substances. CERCLA was amended on October 17, 1986, by the Superfund Amendments and Reauthorization Act (''SARA''), Public Law 99–499, 100 Stat. 1613 *et seq.*

What Is the NCP?

To implement CERCLA, EPA promulgated the revised National Oil and Hazardous Substances Pollution Contingency Plan (''NCP''), 40 CFR Part 300, on July 16, 1982 (47 FR 31180), pursuant to CERCLA section 105 and Executive Order 12316 (46 FR 42237, August 20, 1981). The NCP sets guidelines and procedures for responding to releases and threatened releases of hazardous substances, pollutants, or contaminants under CERCLA. EPA has revised the NCP on several occasions. The most recent comprehensive revision was on March 8, 1990 (55 FR 8666).

As required under Section 105(a)(8)(A) of CERCLA, the NCP also includes ''criteria for determining priorities among releases or threatened releases throughout the United States for the purpose of taking remedial action and, to the extent practicable, taking into account the potential urgency of such action for the purpose of taking removal action.'' (''Removal'' actions are defined broadly and include a wide range of actions taken to study, clean up, prevent or otherwise address releases and threatened releases 42 USC 9601(23).)

What Is the National Priorities List (NPL)?

The NPL is a list of national priorities among the known or threatened releases of hazardous substances, pollutants, or contaminants throughout the United States. The list, which is Appendix B of the NCP (40 CFR Part 300), was required under section 105(a)(8)(B) of CERCLA, as amended by SARA. Section 105(a)(8)(B) defines the NPL as a list of ''releases'' and the highest priority

''facilities'' and requires that the NPL be revised at least annually. The NPL is intended primarily to guide EPA in determining which sites warrant further investigation to assess the nature and extent of public health and environmental risks associated with a release of hazardous substances. However, the NPL is only of limited significance, as it does not assign liability to any party or to the owner of any specific property. Neither does placing a site on the NPL mean that any remedial or removal action necessarily need be taken. See Report of the Senate Committee on Environment and Public Works, Senate Rep. No. 96–848, 96th Cong., 2d Sess. 60 (1980), 48 FR 40659 (September 8, 1983).

The NPL includes two sections, one of sites that are evaluated and cleaned up by EPA (the ''General Superfund Section''), and one of sites being addressed generally by other Federal agencies (the ''Federal Facilities Section''). Under Executive Order 12580 (52 FR 2923, January 29, 1987) and CERCLA section 120, each Federal agency is responsible for carrying out most response actions at facilities under its own jurisdiction, custody, or control, although EPA is responsible for preparing an HRS score and determining whether the facility is placed on the NPL. EPA generally is not the lead agency at Federal Facilities Section sites, and its role at such sites is accordingly less extensive than at other sites.

How Are Sites Listed on the NPL?

There are three mechanisms for placing sites on the NPL for possible remedial action (see 40 CFR 300.425(c) of the NCP):

(1) A site may be included on the NPL if it scores sufficiently high on the Hazard Ranking System (''HRS''), which EPA promulgated as Appendix A of the NCP (40 CFR Part 300). The HRS serves as a screening device to evaluate the relative potential of uncontrolled hazardous substances to pose a threat to human health or the environment. On December 14, 1990 (55 FR 51532), EPA promulgated revisions to the HRS partly in response to CERCLA section 105(c), added by SARA. The revised HRS evaluates four pathways: Ground water, surface water, soil exposure, and air. As a matter of Agency policy, those sites that score 28.50 or greater on the HRS are eligible for the NPL.

(2) Each State may designate a single site as its top priority to be listed on the NPL, regardless of the HRS score. This mechanism, provided by the NCP at 40 CFR 300.425(c)(2) requires that, to the extent practicable, the NPL include within the 100 highest priorities, one facility designated by each State representing the greatest danger to public health, welfare, or the environment among known facilities in the State (see 42 U.S.C. 9605(a)(8)(B)).

(3) The third mechanism for listing, included in the NCP at 40 CFR 300.425(c)(3), allows certain sites to be listed regardless of their HRS score, if all of the following conditions are met:

- The Agency for Toxic Substances and Disease Registry (ATSDR) of the U.S. Public Health Service has issued a health advisory that recommends dissociation of individuals from the release.
- EPA determines that the release poses a significant threat to public health.
- EPA anticipates that it will be more cost-effective to use its remedial authority than to use its removal authority to respond to the release.

EPA promulgated an original NPL of 406 sites on September 8, 1983 (48 FR 40658). The NPL has been expanded since then, most recently on September 25, 1997 (62 FR 50442).

What Happens to Sites on the NPL?

A site may undergo remedial action financed by the Trust Fund established under CERCLA (commonly referred to as the ''Superfund'') only after it is placed on the NPL, as provided in the NCP at 40 CFR 300.425(b)(1). (''Remedial actions'' are those ''consistent with permanent remedy, taken instead of or in addition to removal actions. * * *'' 42 U.S.C. 9601(24).) However, under 40 CFR 300.425(b)(2) placing a site on the NPL ''does not imply that monies will be expended.'' EPA may pursue other appropriate authorities to remedy the releases, including enforcement action under CERCLA and other laws.

How Are Site Boundaries Defined?

The NPL does not describe releases in precise geographical terms; it would be neither feasible nor consistent with the limited purpose of the NPL (to identify releases that are priorities for further evaluation), for it to do so.

Although a CERCLA ''facility'' is broadly defined to include any area where a hazardous substance release has ''come to be located'' (CERCLA section 101(9)), the listing process itself is not intended to define or reflect the boundaries of such facilities or releases. Of course, HRS data (if the HRS is used to list a site) upon which the NPL placement was based will, to some extent, describe the release(s) at issue. That is, the NPL site would include all releases evaluated as part of that HRS analysis.

When a site is listed, to describe the relevant release(s) the approach generally used is to delineate a geographical area (usually the area within an installation or plant boundaries) and identify the site by reference to that area. As a legal matter, the site is not coextensive with that area, and the boundaries of the installation or plant are not the ''boundaries'' of the site. Rather, the site consists of all contaminated areas within the area used to identify the site, as well as any other location to which contamination from that area has come to be located, or from which that contamination came.

In other words, while geographic terms are often used to designate the site (e.g., the ''Jones Co. plant site'') in terms of the property owned by a particular party, the site properly understood is not limited to that property (e.g., it may extend beyond the property due to contaminant migration), and conversely may not occupy the full extent of the property (e.g., where there are uncontaminated parts of the identified property, they may not be, strictly speaking, part of the ''site''). The ''site'' is thus neither equal to nor confined by the boundaries of any specific property that may give the site its name, and the name itself should not be read to imply that this site is coextensive with the entire area within the property boundary of the installation or plant. The precise nature and extent of the site are typically not known at the time of listing. Also, the site name is merely used to help identify the geographic location of the contamination. For example, the ''Jones Co. plant site,'' does not imply that the Jones company is responsible for the contamination located on the plant site.

EPA regulations provide that the ''nature and extent of the threat presented by a release'' will be determined by a Remedial Investigation/Feasibility Study (''RI/FS'') as more information is developed on site contamination (40 CFR 300.430(d)). During the RI/FS process, the release may be found to be larger or smaller than was originally thought, as more is learned about the source(s) and the migration of the contamination. However, this inquiry focuses on an evaluation of the threat posed; the boundaries of the release need not be exactly defined. Moreover, it generally is impossible to discover the full extent of where the contamination ''has come to be located'' before all necessary studies and remedial work are completed at a site. Indeed, the

boundaries of the contamination can be expected to change over time. Thus, in most cases, it may be impossible to describe the boundaries of a release with absolute certainty.

Further, as noted above, NPL listing does not assign liability to any party or to the owner of any specific property. Thus, if a party does not believe it is liable for releases on discrete parcels of property, supporting information can be submitted to the Agency at any time after a party receives notice it is a potentially responsible party.

For these reasons, the NPL need not be amended as further research reveals more information about the location of the contamination or release.

How Are Sites Removed From the NPL?

EPA may delete sites from the NPL where no further response is appropriate under Superfund, as explained in the NCP at 40 CFR 300.425(e). This section also provides that EPA shall consult with states on proposed deletions and shall consider whether any of the following criteria have been met:

(i) Responsible parties or other persons have implemented all appropriate response actions required;

(ii) All appropriate Superfund-financed response has been implemented and no further response action is required; or

(iii) The remedial investigation has shown the release poses no significant threat to public health or the environment, and taking of remedial measures is not appropriate.

To date, the Agency has deleted 162 sites from the NPL.

Can Portions of Sites be Deleted From the NPL as They Are Cleaned Up?

In November 1995, EPA initiated a new policy to delete portions of NPL sites where cleanup is complete (60 FR 55465, November 1, 1995). Total site cleanup may take many years, while portions of the site may have been cleaned up and available for productive use. As of March 1998, EPA has deleted portions of 9 sites.

What Is the Construction Completion List (CCL)?

EPA also has developed an NPL construction completion list (''CCL'') to simplify its system of categorizing sites and to better communicate the successful completion of cleanup activities (58 FR 12142, March 2, 1993). Inclusion of a site on the CCL has no legal significance.

Sites qualify for the CCL when:

(1) any necessary physical construction is complete, whether or not final cleanup levels or other requirements have been achieved;

(2) EPA has determined that the response action should be limited to measures that do not involve construction (e.g., institutional controls); or

(3) the site qualifies for deletion from the NPL.

In addition to the 155 sites that have been deleted from the NPL because they have been cleaned up (7 sites have been deleted based on deferral to other authorities and are not considered cleaned up), an additional 353 sites are also on the NPL CCL. Thus, as of March 1998, the CCL consists of 508 sites.

II. Public Review/Public Comment

Can I Review the Documents Relevant to This Proposed Rule?

Yes, the documents that form the basis for EPA's evaluation and scoring of sites in this rule are contained in dockets located both at EPA Headquarters in Washington, D.C. and in the appropriate Regional offices.

How Do I Access the Documents?

You may view the documents, by appointment only, in the Headquarters or the appropriate Regional docket after the appearance of this proposed rule. The hours of operation for the Headquarters docket are from 9:00 a.m. to 4:00 p.m., Monday through Friday excluding Federal holidays. Please contact individual Regional dockets for hours.

You may also request copies from EPA Headquarters or the appropriate Regional docket. An informal request, rather than a formal written request under the Freedom of Information Act, should be the ordinary procedure for obtaining copies of any of these documents.

Following is the contact information for the EPA Headquarters docket (see ''How do I submit my comments?'' section below for Regional contacts):

Docket Coordinator, Headquarters, U.S. EPA CERCLA Docket Office, Crystal Gateway #1, 1st Floor, 1235 Jefferson Davis Highway, Arlington, VA 22202. 703/603–9232

(Please note this is a visiting address only. Mail comments to EPA Headquarters as detailed at the beginning of this preamble, or contact Regional offices as detailed in the ''How do I submit my comments?'' section below.)

What Documents Are Available for Public Review at the Headquarters Docket?

The Headquarters docket for this rule contains: HRS score sheets for each proposed site; a Documentation Record for each site describing the information used to compute the score; information for any site affected by particular statutory requirements or EPA listing policies; and a list of documents referenced in the Documentation Record.

The Headquarters docket also contains an ''Additional Information'' document which provides a general discussion of the statutory requirements affecting NPL listing, the purpose and implementation of the NPL, and the economic impacts of NPL listing.

What Documents Are Available for Public Review at Regional Dockets?

Each Regional docket for this rule contains all of the information in the Headquarters docket for sites in that Region, plus, the actual reference documents containing the data principally relied upon and cited by EPA in calculating or evaluating the HRS scores for sites in that Region. These reference documents are available only in the Regional dockets.

How Do I Submit My Comments?

Comments must be submitted to EPA Headquarters as detailed at the beginning of this preamble. Regional offices may be reached at the following:

Jim Kyed, Region 1 (CT, ME, MA, NH, RI, VT), U.S. EPA Waste Management Records Center, HRC–CAN–7, J.F. Kennedy Federal Building, Boston, MA 02203–2211, 617/573–9656

Ben Conetta, Region 2 (NJ, NY, PR, VI), U.S. EPA, 290 Broadway, New York, NY 10007–1866, 212/637–4435

Diane McCreary, Region 3 (DE, DC, MD, PA, VA, WV), U.S. EPA Library, 3rd Floor, 841 Chestnut Building, 9th & Chestnut Streets, Philadelphia, PA 19107, 215/566–5250

Kathy Piselli, Region 4 (AL, FL, GA, KY, MS, NC, SC, TN), U.S. EPA, 100 Alabama Street, SW, Atlanta, GA 30303, 404/562–8190

Region 5 (IL, IN, MI, MN, OH, WI), U.S. EPA, Records Center, Waste Management Division 7–J, Metcalfe Federal Building, 77 West Jackson Boulevard, Chicago, IL 60604, 312/886–7570

Brenda Cook, Region 6 (AR, LA, NM, OK, TX), U.S. EPA, 1445 Ross Avenue, Mail Code 6SF–RA, Dallas, TX 75202–2733, 214/655–7436

Carole Long, Region 7 (IA, KS, MO, NE), U.S. EPA, 726 Minnesota Avenue, Kansas City, KS 66101, 913/551–7224

Pat Smith, Region 8 (CO, MT, ND, SD, UT, WY), U.S. EPA, 999 18th Street, Suite 500, Denver, CO 80202–2466, 303/312–6082

Carolyn Douglas, Region 9 (AZ, CA, HI, NV, AS, GU), U.S. EPA, 75 Hawthorne Street, San Francisco, CA 94105, 415/744–2343

David Bennett, Region 10 (AK, ID, OR, WA), U.S. EPA, 11th Floor, 1200 6th Avenue, Mail Stop ECL–115, Seattle, WA 98101, 206/553–2103

What Happens to My Comments?

EPA considers all comments received during the comment period. Significant comments will be addressed in a support document that EPA will publish concurrently with the **Federal Register** document if, and when, the site is listed on the NPL.

What Should I Consider When Preparing My Comments?

Comments that include complex or voluminous reports, or materials prepared for purposes other than HRS scoring, should point out the specific information that EPA should consider and how it affects individual HRS factor values or other listing criteria (*Northside Sanitary Landfill* v. *Thomas*, 849 F.2d 1516 (D.C. Cir. 1988)). EPA will not address voluminous comments that are not specifically cited by page number and referenced to the HRS or other listing criteria. EPA will not address comments unless they indicate which component of the HRS documentation record or what particular point in EPA's stated eligibility criteria is at issue.

Can I Submit Comments After the Public Comment Period Is Over?

EPA has changed its policy and will normally no longer respond to late comments. EPA can only guarantee that it will consider those comments postmarked by the close of the formal comment period. EPA has a policy of not delaying a final listing decision solely to accommodate consideration of late comments.

Can I View Public Comments Submitted by Others?

During the comment period, comments are placed in the Headquarters docket and are available to the public on an ''as received'' basis. A complete set of comments will be available for viewing in the Regional docket approximately one week after the formal comment period closes.

Can I Submit Comments Regarding Sites Not Currently Proposed to the NPL?

In certain instances, interested parties have written to EPA concerning sites which were not at that time proposed to the NPL. If those sites are later proposed to the NPL, parties should review their earlier concerns and, if still appropriate, resubmit those concerns for consideration during the formal comment period. Site-specific correspondence received prior to the period of formal proposal and comment will not generally be included in the docket.

III. Contents of This Proposed Rule

Proposed Additions to the NPL

Table 1 identifies the 6 sites in the General Superfund section being proposed to the NPL in this rule. Table 2 identifies the 2 sites in the Federal Facilities section being proposed to the NPL in this rule. These tables follow this preamble. All sites are proposed based on HRS scores of 28.50 or above. The sites in Table 1 and Table 2 are listed alphabetically by State, for ease of identification, with group number identified to provide an indication of relative ranking. To determine group number, sites on the NPL are placed in groups of 50; for example, a site in Group 4 of this proposal has an HRS score that falls within the range of scores covered by the fourth group of 50 sites on the NPL.

Status of NPL

A final rule published elsewhere in today's **Federal Register**, results in an NPL of 1,197 sites, 1,046 in the General Superfund Section and 151 in the Federal Facilities Section. With this proposal of 8 new sites, there are now 54 sites proposed and awaiting final agency action, 46 in the General Superfund Section and 8 in the Federal Facilities Section. Final and proposed sites now total 1,251.

Name Change

EPA is changing the name of the Old Citgo Refinery (Bossier City) site in Bossier, Louisiana, to Highway 71/72 Refinery. EPA believes this new name more accurately reflects the site.

IV. Executive Order 12866

What Is Executive Order 12866?

Executive Order 12866 requires certain regulatory assessments for any ''economically significant regulatory action,'' defined as one which would result in an annual effect on the economy of $100 million or more, or have other substantial impacts.

Is This Proposed Rule Subject to Executive Order 12866 Review?

No, this is not an economically significant regulatory action; therefore, the Office of Management and Budget (OMB) has exempted this regulatory action from Executive Order 12866 review.

V. Unfunded Mandates

What Is the Unfunded Mandates Reform Act (UMRA)?

Title II of the Unfunded Mandates Reform Act of 1995 (UMRA), Public Law 104–4, establishes requirements for Federal Agencies to assess the effects of their regulatory actions on State, local, and tribal governments and the private sector. Under Section 202 of the UMRA, EPA generally must prepare a written statement, including a cost-benefit analysis, for proposed and final rules with ''Federal mandates'' that may result in expenditures by State, local, and tribal governments, in the aggregate, or by the private sector, of $100 million or more in any one year. Before EPA promulgates a rule for which a written statement is needed, section 205 of the UMRA generally requires EPA to identify and consider a reasonable number of regulatory alternatives and adopt the least costly, most cost-effective, or least burdensome alternative that achieves the objectives of the rule. The provisions of section 205 do not apply when they are inconsistent with applicable law. Moreover, section 205 allows EPA to adopt an alternative other than the least costly, most cost-effective, or least burdensome alternative if the Administrator publishes with the final rule an explanation why that alternative was not adopted. Before EPA establishes any regulatory requirements that may significantly or uniquely affect small governments, including tribal governments, it must have developed under section 203 of the UMRA a small government agency plan. The plan must provide for notifying potentially affected small governments, enabling officials of affected small governments to have meaningful and timely input in the development of EPA regulatory proposals with significant Federal intergovernmental mandates, and informing, educating, and advising small governments on compliance with the regulatory requirements.

Does UMRA Apply to This Proposed Rule?

No, EPA has determined that this rule 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. This rule will not impose any federal intergovernmental mandate because it imposes no enforceable duty upon State, tribal or local governments. Listing a site on the NPL does not itself impose

any costs. Listing does not mean that EPA necessarily will undertake remedial action. Nor does listing require any action by a private party or determine liability for response costs. Costs that arise out of site reponses result from site-specific decisions regarding what actions to take, not directly from the act of listing a site on the NPL.

For the same reasons, EPA also has determined that this rule contains no regulatory requirements that might significantly or uniquely affect small governments. In addition, as discussed above, the private sector is not expected to incur costs exceeding $100 million. EPA has fulfilled the requirement for analysis under the Unfunded Mandates Reform Act.

VI. Effect on Small Businesses

What Is the Regulatory Flexibility Act?

The Regulatory Flexibility Act of 1980 requires EPA to review the impacts of this action on small entities, or certify that the action will not have a significant impact on a substantial number of small entities. By small entities, the Act refers to small businesses, small government jurisdictions, and nonprofit organizations.

Does the Regulatory Flexibility Act Apply to This Proposed Rule?

While this rule proposes to revise the NPL, an NPL revision is not a typical regulatory change since it does not automatically impose costs. As stated above, adding sites to the NPL does not in itself require any action by any party, nor does it determine the liability of any party for the cost of cleanup at the site. Further, no identifiable groups are affected as a whole. As a consequence, impacts on any group are hard to predict. A site's inclusion on the NPL could increase the likelihood of adverse impacts on responsible parties (in the form of cleanup costs), but at this time EPA cannot identify the potentially affected businesses or estimate the number of small businesses that might also be affected.

The Agency does expect that placing the sites in this proposed rule on the NPL could significantly affect certain industries, or firms within industries, that have caused a proportionately high percentage of waste site problems. However, EPA does not expect the listing of these sites to have a significant economic impact on a substantial number of small businesses.

In any case, economic impacts would occur only through enforcement and cost-recovery actions, which EPA takes at its discretion on a site-by-site basis. EPA considers many factors when determining enforcement actions, including not only a firm's contribution to the problem, but also its ability to pay. The impacts (from cost recovery) on small governments and nonprofit organizations would be determined on a similar case-by-case basis.

For the foregoing reasons, I hereby certify that this proposed rule, if promulgated, will not have a significant economic impact on a substantial number of small entities. Therefore, this proposed regulation does not require a regulatory flexibility analysis.

VII. National Technology and Advancement Act

What Is the National Technology and Advancement Act?

Section 12(d) of the National Technology and Advancement Act of 1995 (NTTAA), Public Law 104–113, section 12(d)(15 U.S.C. 272 note), directs EPA to use voluntary consensus standards in its regulatory activities unless to do so would be inconsistent with applicable law or otherwise impractical. Voluntary consensus standards are technical standards (e.g., materials specifications, test methods, sampling procedures, business practices, etc.) that are developed or adopted by voluntary consensus standards bodies. The NTTAA requires EPA to provide Congress, through OMB explanations when the Agency decides not to use available and applicable voluntary consensus standards.

Does the National Technology and Advancement Act Apply to This Proposed Rule?

EPA is not proposing any new test methods or other technical standards as part of today's rule, which proposes to add sites to the NPL. Thus, the Agency does not need to consider the use of voluntary consensus standards in developing this proposed rule. EPA invites public comment on this analysis.

VIII. Executive Order 13045

What Is Executive Order 13045?

On April 21, 1997, the President issued Executive Order 13045 entitled Protection of Children From Environmental Health Risks and Safety Risks (62 FR 19883). Under section 5 of the Order, a federal agency submitting a ''covered regulatory action'' to OMB for review under Executive Order 12866 must provide information regarding the environmental health or safety affects of the planned regulation on children. A ''covered regulatory action'' is defined in section 2–202 as a substantive action in a rulemaking, initiated after the date of this order or for which a Notice of Proposed Rulemaking is published 1 year after the date of this order, that is likely to result in a rule that may be ''economically significant'' under Executive Order 12866 and concern an environmental health risk or safety risk that an agency has reason to believe may disproportionately affect children.

Does Executive Order 13045 Apply to This Proposed Rule?

This proposed rule is not a ''covered regulatory action'' as defined in the Order and accordingly is not subject to section 5 of the Order. As discussed above this proposed rule does not constitute economically significant action (i.e., it is not expected to have an annual adverse impact of $100 million or more) under Executive Order 12866. Further, this rule does not concern an environmental health risk or safety risk that disproportionately affects children.

IX. Paperwork Reduction Act

What Is the Paperwork Reduction Act?

According to the Paperwork Reduction Act (PRA), 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 that requires OMB approval under the PRA, unless it has been approved by OMB and displays a currently valid OMB control number. The OMB control numbers for EPA's regulations, after initial display in the preamble of the final rules, are listed in 40 CFR part 9. The information collection requirements related to this action have already been approved by OMB pursuant to the PRA under OMB control number 2070–0012 (EPA ICR No. 574).

Does the Paperwork Reduction Act Apply to This Proposed Rule?

This action does not impose any burden requiring OMB approval under the Paperwork Reduction Act.

X. Executive Order 12875

What is Executive Order 12875 and is it Applicable to This Proposed Rule?

Enhancing the Intergovernmental Partnership—This proposed rule does not impose any enforceable duty or contain any unfunded mandate that would require any prior consultation with State, local or tribal officials under Executive Order 12875.

TABLE 1.—NATIONAL PRIORITIES LIST PROPOSED RULE NO. 24, GENERAL SUPERFUND SECTION

State	Site name	City/county	Group
FL	Solitron Microwave	Port Salerno	5/6
GA	Camilla Wood Preserving Company	Camilla	5/6
PA	Sharon Steel Corporation (Farrell Works Disposal Area)	Hickory Township	5/6
TX	Jasper Creosoting Company Inc	Jasper County	5/6
TX	Rockwool Industries Inc	Bell County	7
TX	State Marine of Port Arthur	Jefferson County	7

Number of Sites Proposed to General Superfund Section: 6.

TABLE 2.—NATIONAL PRIORITIES LIST PROPOSED RULE NO. 24, FEDERAL FACILITIES SECTION

State	Site name	City/county	Group
VA	Norfolk Naval Shipyard	Portsmouth	5/6
DC	Washington Navy Yard	Washington DC	5/6

Number of Sites Proposed to Federal Facilities Section: 2.

List of Subjects in 40 CFR Part 300

Environmental protection, Air pollution control, Chemicals, Hazardous materials, Intergovernmental relations, Natural resources, Oil pollution, Reporting and recordkeeping requirements, Superfund, Waste treatment and disposal, Water pollution control, Water supply.

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

Dated: February 26, 1998.

Timothy Fields, Jr.,

Acting Assistant Administrator, Office of Solid Waste and Emergency Response.

[FR Doc. 98–5726 Filed 3–5–98; 8:45 am]

BILLING CODE 6560–50–P

federal register

Friday
March 6, 1998

Part V

Environmental Protection Agency

Certain Chemicals; Premanufacture Notices

ENVIRONMENTAL PROTECTION AGENCY

[OPPTS–51878; FRL–5768–6]

Certain Chemicals; Premanufacture Notices

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice.

SUMMARY: Section 5 of the Toxic Substances Control Act (TSCA) requires any person who intends to manufacture or import a new chemical to notify EPA and comply with the statutory provisions pertaining to the manufacture or import of substances not on the TSCA Inventory. Section 5 of TSCA also requires EPA to publish receipt and status information in the **Federal Register** each month reporting premanufacture notices (PMN) and test marketing exemption (TME) application requests received, both pending and expired. The information in this document contains notices received from October 6, 1997 to October 10, 1997.

ADDRESSES: Written comments, identified by the document control number ''[OPPTS–51878]'' and the specific PMN number, if appropriate, should be sent to: Document Control Office (7407), Office of Pollution Prevention and Toxics, Environmental Protection Agency, 401 M St., SW., Rm. ETG–099 Washington, DC 20460.

Comments and data may also be submitted electronically by sending electronic mail (e-mail) to: oppt.ncic@epamail.epa.gov. Electronic comments must be submitted as an ASCII file avoiding the use of special characters and any form of encryption. Comments and data will also be accepted on disks in WordPerfect in 5.1/6.1 file format or ASCII file format. All comments and data in electronic form must be identified by the docket number [OPPTS–51878]. No Confidential Business Information (CBI) should be submitted through e-mail. Electronic comments on this notice may be filed online at many Federal Depository Libraries. Additional information on electronic submissions can be found under ''SUPPLEMENTARY INFORMATION''.

All comments which contain information claimed as CBI must be clearly marked as such. Three sanitized copies of any comments containing information claimed as CBI must also be submitted and will be placed in the public record for this notice. Persons submitting information on any portion of which they believe is entitled to treatment as CBI by EPA must assert a business confidentiality claim in accordance with 40 CFR 2.203(b) for each such portion. This claim must be made at the time that the information is submitted to EPA. If a submitter does not assert a confidentiality claim at the time of submission, EPA will consider this as a waiver of any confidentiality claim and the information may be made available to the public by EPA without further notice to the submitter.

FOR FURTHER INFORMATION CONTACT: Susan B. Hazen, Director, Environmental Assistance Division (7408), Office of Pollution Prevention and Toxics, Environmental Protection Agency, Rm. E–545, 401 M St., SW., Washington, DC, 20460, (202) 554–1404, TDD (202) 554–0551; e-mail: TSCA-Hotline@epamail.epa.gov.

SUPPLEMENTARY INFORMATION: Under the provisions of TSCA, EPA is required to publish notice of receipt and status reports of chemicals subject to section 5 reporting requirements. The notice requirements are provided in TSCA sections 5(d)(2) and 5(d)(3). Specifically, EPA is required to provide notice of receipt of PMNs and TME application requests received. EPA also is required to identify those chemical submissions for which data has been received, the uses or intended uses of such chemicals, and the nature of any test data which may have been developed. Lastly, EPA is required to provide periodic status reports of all chemical substances undergoing review and receipt of notices of commencement.

A record has been established for this notice under docket number ''[OPPTS–51878]'' (including comments and data submitted electronically as described below). A public version of this record, including printed, paper versions of electronic comments, which does not include any information claimed as CBI, is available for inspection from 12 noon to 4 p.m., Monday through Friday, excluding legal holidays. The public record is located in the TSCA Nonconfidential Information Center (NCIC), Rm. NEM–B607, 401 M St., SW., Washington, DC 20460.

Electronic comments can be sent directly to EPA at:

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

In the past, EPA has published individual notices reflecting the status of section 5 filings received, pending or expired, as well as notices reflecting receipt of notices of commencement. In an effort to become more responsive to the regulated community, the users of this information and the general public, to comply with the requirements of TSCA, to conserve EPA resources, and to streamline the process and make it more timely, EPA is consolidating these separate notices into one comprehensive notice that will be issued at regular intervals.

In this notice, EPA shall provide a consolidated report in the **Federal Register** reflecting the dates PMN requests were received, the projected notice end date, the manufacturer or importer identity, to the extent that such information is not claimed as confidential and chemical identity, either specific or generic depending on whether chemical identity has been claimed confidential. Additionally, in this same report, EPA shall provide a listing of receipt of new notices of commencement.

EPA believes the new format of the notice will be easier to understand by the interested public, and provides the information that is of greatest interest to the public users. Certain information provided in the earlier notices will not be provided under the new format. The status reports of substances under review, potential production volume, and summaries of health and safety data will not be provided in the new notices.

EPA is not providing production volume information in the consolidated notice since such information is generally claimed as confidential. For this reason, there is no substantive loss to the public in not publishing the data. Health and safety data are not summarized in the notice since it is recognized as impossible, given the format of this notice, as well as the previous style of notices, to provide meaningful information on the subject. In those submissions where health and safety data were received by the Agency, a footnote is included by the Manufacturer/Importer identity to indicate its existence. As stated below, interested persons may contact EPA directly to secure information on such studies.

For persons who are interested in data not included in this notice, access can be secured at EPA Headquarters in the NCIC at the address provided above. Additionally, interested parties may telephone the Document Control Office at (202) 260–1532, TDD (202) 554–0551, for generic use information, health and safety data not claimed as confidential or status reports on section 5 filings.

Send all comments to the address listed above. All comments received will be reviewed and appropriate amendments will be made as deemed necessary.

This notice will identify: (I) PMNs received; and (II) Notices of Commencement to manufacture/import.

I. 13 Premanufacture Notices Received From: 10/06/97 to 10/10/97

Case No.	Received Date	Projected Notice End Date	Manufacturer/Importer	Use	Chemical
P–98–0024	10/07/97	01/05/98	CBI	(G) Mediator in enzyme catalyzed reactions	(G) Bezoic acid derivative
P–98–0026	10/06/97	01/04/98	CBI	(G) Moisture curing polyurethane adhesive	(G) Isocyanate terminated urethane polymer
P–98–0027	10/07/97	01/05/98	Engelhard Corporation	(S) A colorant for plastics	(G) Metallized azo yellow pigment
P–98–0028	10/08/97	01/06/98	PMC Specialties Group, Inc.	(S) Functional monomer	(S) 2-propenoic acid, 2-methyl-, 3-sulfopropyl ester; potassium salt
P–98–0029	10/08/97	01/06/98	CBI	(G) Urethane coating component	(G) 4,4′-diphenylmathane diisocyanate-dipropylene glycol-polypropylene glycol copolymer
P–98–0030	10/07/97	01/05/98	CBI	(S) Organic synthesis intermediate	(G) 2-naphthalenesulfonamide, *N,N*-bis(3-substituted propyl)-1-hydroxy-5-[(methylsulfonyl)amino]-, sulfate (1:1) (salt)
P–98–0031	10/10/97	01/08/98	CBI	(S) Resin for coatings, inks and adhesives	(G) Polyether polyurethane acrylic gradt copolymer
P–98–0032	10/09/97	01/07/98	Tektronix, Inc.	(G) Open, non-dispersive use as a constituent in solid, crayon like inks for computer printers	(G) Alphatic urea urethane
P–98–0033	10/09/97	01/07/98	Petro-Canada	(S) Chemical manufacturing industrial process oils	(S) Gas oils (petroleum), vacuum, hydrocracked, hydroisomerized, hydrogenated, C_{10-2} branched
P–98–0034	10/09/97	01/07/98	Petro-Canada	(S) Lubricant blending rubber/ plastic compounding chemical manufacturing other material processing	(S) Gas oils (petroleum), vacuum, hydrocracked, hydroisomerized, hydrogenated, C_{30} ranched, high viscosity index
P–98–0035	10/09/97	01/07/98	Petro-Canada	(S) Lubricant blending rubber/ plastic compounding chemical manufacturing other material processing	(S) Gas oils (petroleum), vacuum, hydrocracked, hydroisomerized, hydrogenated, C_{20}–C_{40}, branched, high viscosity index
P–98–0036	10/09/97	01/07/98	Petro-canada	(S) Lubricant blending rubber/ plastic compounding chemical manufacturing other material processing	(S) Gas oils (petroleum), vacuum, hydrocracked, hydroisomerized, hydrogenated, C_5–C_{55}, branched, high viscosity index
P–98–0037	10/10/97	01/08/98	CBI	(G) Open, non-dispersive (dyestuff)	(G) Azo dyestuff

II. 2 Notices of Commencement Received From: 10/06/97 to 10/10/97

Case No.	Received Date	Commencement/Import Date	Chemical
P–97–0190	10/09/97	09/30/97	(S) Polymer of adipic acid 2-methyl-1,3-propanediol
P–97–0444	10/08/97	10/04/97	(S) 2,7-Naphthalenedsulfonic, acid 6–((4-chloro-6-(substituted amino)-1,3,5-triazin-2-yl (amino)-3–((6–(2,3,-dibromo-1-oxopropyl) aminoamino)-2-sulfophenyl(azo)-4-hydroxy-, sodium salt

List of Subjects

Environmental protection, Premanufacture notices.

Dated: February 17, 1998.

Oscar Morales,

Acting Director, Information Management Division, Office of Pollution Prevention and Toxics.

[FR Doc. 98–5856 Filed 3–5–98; 8:45 am]

BILLING CODE 6560–50–F

ENVIRONMENTAL PROTECTION AGENCY

[OPPTS–51879; FRL–5768–7]

Certain Chemicals; Premanufacture Notices

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice.

SUMMARY: Section 5 of the Toxic Substances Control Act (TSCA) requires any person who intends to manufacture or import a new chemical to notify EPA and comply with the statutory provisions pertaining to the manufacture or import of substances not on the TSCA Inventory. Section 5 of TSCA also requires EPA to publish receipt and status information in the **Federal Register** each month reporting premanufacture notices (PMN) and test marketing exemption (TME) application requests received, both pending and expired. The information in this document contains notices received from October 14, 1997 to October 17, 1997.

ADDRESSES: Written comments, identified by the document control number ''[OPPTS–51879]'' and the specific PMN number, if appropriate, should be sent to: Document Control Office (7407), Office of Pollution Prevention and Toxics, Environmental Protection Agency, 401 M St., SW., Rm. ETG–099 Washington, DC 20460.

Comments and data may also be submitted electronically by sending electronic mail (e-mail) to: oppt.ncic@epamail.epa.gov. Electronic comments must be submitted as an ASCII file avoiding the use of special characters and any form of encryption. Comments and data will also be accepted on disks in WordPerfect in 5.1/6.1 file format or ASCII file format. All comments and data in electronic form must be identified by the docket number [OPPTS–51879]. No Confidential Business Information (CBI) should be submitted through e-mail. Electronic comments on this notice may be filed online at many Federal Depository Libraries. Additional information on electronic submissions can be found under ''SUPPLEMENTARY INFORMATION''.

All comments which contain information claimed as CBI must be clearly marked as such. Three sanitized copies of any comments containing information claimed as CBI must also be submitted and will be placed in the public record for this notice. Persons submitting information on any portion of which they believe is entitled to treatment as CBI by EPA must assert a business confidentiality claim in accordance with 40 CFR 2.203(b) for each such portion. This claim must be made at the time that the information is submitted to EPA. If a submitter does not assert a confidentiality claim at the time of submission, EPA will consider this as a waiver of any confidentiality claim and the information may be made available to the public by EPA without further notice to the submitter.

FOR FURTHER INFORMATION CONTACT: Susan B. Hazen, Director, Environmental Assistance Division (7408), Office of Pollution Prevention and Toxics, Environmental Protection Agency, Rm. E–545, 401 M St., SW., Washington, DC, 20460, (202) 554–1404, TDD (202) 554–0551; e-mail: TSCA-Hotline@epamail.epa.gov.

SUPPLEMENTARY INFORMATION: Under the provisions of TSCA, EPA is required to publish notice of receipt and status reports of chemicals subject to section 5 reporting requirements. The notice requirements are provided in TSCA sections 5(d)(2) and 5(d)(3). Specifically, EPA is required to provide notice of receipt of PMNs and TME application requests received. EPA also is required to identify those chemical submissions for which data has been received, the uses or intended uses of such chemicals, and the nature of any test data which may have been developed. Lastly, EPA is required to provide periodic status reports of all chemical substances undergoing review and receipt of notices of commencement.

A record has been established for this notice under docket number ''[OPPTS–51879]'' (including comments and data submitted electronically as described below). A public version of this record, including printed, paper versions of electronic comments, which does not include any information claimed as CBI, is available for inspection from 12 noon to 4 p.m., Monday through Friday, excluding legal holidays. The public record is located in the TSCA Nonconfidential Information Center (NCIC), Rm. NEM–B607, 401 M St., SW., Washington, DC 20460.

Electronic comments can be sent directly to EPA at:

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

In the past, EPA has published individual notices reflecting the status of section 5 filings received, pending or expired, as well as notices reflecting receipt of notices of commencement. In an effort to become more responsive to the regulated community, the users of this information and the general public, to comply with the requirements of TSCA, to conserve EPA resources, and to streamline the process and make it more timely, EPA is consolidating these separate notices into one comprehensive notice that will be issued at regular intervals.

In this notice, EPA shall provide a consolidated report in the **Federal Register** reflecting the dates PMN requests were received, the projected notice end date, the manufacturer or importer identity, to the extent that such information is not claimed as confidential and chemical identity, either specific or generic depending on whether chemical identity has been claimed confidential. Additionally, in this same report, EPA shall provide a listing of receipt of new notices of commencement.

EPA believes the new format of the notice will be easier to understand by the interested public, and provides the information that is of greatest interest to the public users. Certain information provided in the earlier notices will not be provided under the new format. The status reports of substances under review, potential production volume, and summaries of health and safety data will not be provided in the new notices.

EPA is not providing production volume information in the consolidated notice since such information is generally claimed as confidential. For this reason, there is no substantive loss to the public in not publishing the data. Health and safety data are not summarized in the notice since it is recognized as impossible, given the format of this notice, as well as the previous style of notices, to provide meaningful information on the subject. In those submissions where health and safety data were received by the Agency, a footnote is included by the Manufacturer/Importer identity to indicate its existence. As stated below, interested persons may contact EPA directly to secure information on such studies.

For persons who are interested in data not included in this notice, access can be secured at EPA Headquarters in the NCIC at the address provided above. Additionally, interested parties may telephone the Document Control Office at (202) 260–1532, TDD (202) 554–0551, for generic use information, health and safety data not claimed as confidential or status reports on section 5 filings.

Send all comments to the address listed above. All comments received will be reviewed and appropriate amendments will be made as deemed necessary.

This notice will identify: (I) PMNs received; and (II) Notices of Commencement to manufacture/import.

I. 13 Premanufacture Notices Received From: 10/14/97 to 10/17/97

Case No.	Received Date	Projected Notice End Date	Manufacturer/Importer	Use	Chemical
P–98–0038	10/15/97	01/13/98	Engelhard Corporation	(S) A colorant for plastics	(G) Organic yellow pigment
P–98–0039	10/15/97	01/13/98	Engelhard Corporation	(S) A colorant for plastics	(G) Organic yellow pigment
P–98–0040	10/15/97	01/13/98	Hitachi Chemical Company America, Ltd.	(S) Semiconductor sealer; fiber reinforced resin plate	(S) Residues (petroleum), polycyclic arom, hydrocarbon-rich catalytic cracking, polymers with formaldehyde and phenol
P–98–0041	10/16/97	01/14/98	CBI	(S) Intermediate in polymer prep.	(S) 1,3-isobenzofurandione, 5-(phenylethynyl)
P–98–0042	10/14/97	01/12/98	Stepan Chemical Company	(G) Urethane raw material	(G) Aromatic polyester polyol
P–98–0043	10/14/97	01/12/98	H & R Florasynth	(G) Additive for consumer product; disperive use	(S) 2-propenoic acid, 3-(4-methyoxyphenyl)-, 3-methylbutyl ester
P–98–0044	10/15/97	01/13/98	Zeon Aromatics	(S) Fragrances (perfumes use (FFDCA); fragrances (soaps, detergents, air freshners, scented paper	(S) 3,6-nonadien-1-ol, (*z,z*)-
P–98–0045	10/17/97	01/15/98	CBI	(G) Colorant for thermal printing	(G) Azomethine dye
P–98–0046	10/17/97	01/15/98	CBI	(G) Coating component	(G) Non-volatile emulsion acrylic polymer
P–98–0047	10/17/97	01/15/98	CBI	(G) Open, non-dispersive	(G) Polyester resin
P–98–0049	10/16/97	01/14/98	SPD Magnet Wire Company	(G) Open, non-dispersive use, liquid enamel	(G) Polyamideimide
P–98–0050	10/16/97	01/14/98	Eastman Chemical Company	(G) Chemical intermediate; flotation aid	(S) Hexanoic acid, 2-ethyl-, manufacture of, by products from, distilation residues
P–98–0053	10/17/97	01/15/98	CBI	(G) Pesticide inert	(S) Ethanol, 2,2′,2″-nitrilotris-, compound with alpha-[2,4,6-tris(1-phenylethyl)phenyl]-omega-hydroxypoly (oxy-1,2-ethanediyl)phosphate

II. 11 Notices of Commencement Received From: 10/14/97 to 10/17/97

Case No.	Received Date	Commencement/Import Date	Chemical
P–93–0217	10/14/97	07/09/97	(G) Epoxy resin and aliphatic diamine adduct
P–95–1218	10/14/97	09/14/97	(G) Water borne alkyd resin
P–96–0336	10/14/97	09/17/87	(G) Trimethylhexanementhyleneurethane
P–97–0138	10/14/97	09/17/97	(G) Acrylate copolymer
P–97–0453	10/15/97	09/30/97	(G) Substituted phenyl acrylate
P–97–0473	10/17/97	10/09/97	(G) Aqueous polyether polyurethane dispersion
P–97–0614	10/10/97	09/18/97	(G) Polyester resin
P–97–0638	10/14/97	09/18/97	(G) Isophthalic acid, polymer with alkanepolyols, methylenebisocyanateobenzene dimethyl tetraphthalate, an alkanopolyol derivative and alkanepolycarboxylide acids
P–97–0740	10/15/97	10/07/97	(S) Polymer of; Siloxane and silicones 3-((2-amino ethyl)amino) propyl Me Di Me: polyethylene glycol bu glycide ether
P–97–0785	10/14/97	10/02/97	(G) Carboxylic acid amines
P–97–0786	10/14/97	10/02/97	(G) Carboxylic acid amines

List of Subjects

Environmental protection, Premanufacture notices.

Dated: February 17, 1998.

Oscar Morales,

Acting Director, Information Management Division, Office of Pollution Prevention and Toxics.

[FR Doc. 98–5857 Filed 3–5–98; 8:45 am]

BILLING CODE 6560–50–F

federal register

Friday
March 6, 1998

Part VI

Department of the Treasury

Fiscal Service

31 CFR Part 358

Regulations Governing CUBES (Coupons Under Book-Entry Safekeeping); and Bearer Corpora Conversion System (BECCS); Opening of Programs; Final Rule and Notice

DEPARTMENT OF THE TREASURY

Fiscal Service

31 CFR Part 358

Regulations Governing CUBES (Coupons Under Book-Entry Safekeeping)

AGENCY: Bureau of the Public Debt, Fiscal Service, Department of the Treasury.

ACTION: Final rule.

SUMMARY: The Department of the Treasury (Department or Treasury) is issuing in final form an amendment to its regulations governing the CUBES (Coupons Under Book-Entry Safekeeping) program. The amendment provides a method to convert United States Treasury bearer securities that have been stripped of all non-callable coupons (stripped bearer corpora) to book-entry accounts. Stripped bearer corpora will be held in BECCS (Bearer Corpora Conversion System). Stripped coupons will continue to be held in CUBES. The amendment benefits investors in two ways: First, conversion of bearer securities to book-entry form provides a safe alternative to storage and accounting burdens associated with physical storage, and second, conversion eliminates the risk of loss or destruction of physical securities.

EFFECTIVE DATE: March 6, 1998.

FOR FURTHER INFORMATION CONTACT: Maureen Parker, Director, Division of Securities Systems, Bureau of the Public Debt (304) 480–7761; Susan Klimas, Attorney-Adviser, Office of the Chief Counsel, Bureau of the Public Debt (304) 480–5192; Edward C. Gronseth, Deputy Chief Counsel, Office of the Chief Counsel, Bureau of the Public Debt (304) 480–5192.

SUPPLEMENTARY INFORMATION: This final rule amends the general regulations governing CUBES by adding a new program, BECCS, that provides for the conversion of United States Treasury stripped bearer corpora to book-entry.

To reflect the expanded scope of part 358, the Department has changed its title to Regulations Governing Book-Entry Conversion of Detached Bearer Coupons and Bearer Corpora. The amendment does the following:

(a) eliminates the Appendix and moves the terms and conditions formerly contained in the Appendix into the part;

(b) updates the terms and conditions governing conversions of coupons that occur after the effective date of this rule;

(c) provides the terms and conditions for the conversion of bearer corpora to BECCS;

(d) eliminates provisions of the regulations that refer to the maintenance of CUBES after conversion; and

(e) shortens the notice requirement for openings of the CUBES program from two months to not less than 30 calendar days.

Previously, in order to submit bearer coupons for conversion to CUBES, a depository institution was required to sign an ''Agreement to the Terms and Conditions Governing CUBES''. This rule deletes the requirement for individual written agreements. The written agreements will continue to apply to the conversion of coupons submitted under openings of the CUBES program prior to the effective date of this rule.

The provisions formerly contained in the written agreement have been updated and are now contained in the part. Some of the provisions applied to systems which are obsolete, and have been deleted. Provisions that applied to the maintenance of CUBES after conversion have been eliminated as redundant, since, after conversion to book-entry, CUBES and BECCS are maintained in the commercial book-entry system (also referred to as the Treasury Reserve/Automated Debt Entry System or TRADES) governed by the provisions of 31 CFR part 357, subpart B. Among the provisions eliminated as redundant are those covering the fees for transfers occurring after conversion.

With BECCS Treasury will accept for conversion United States Treasury bearer corpora, extending book-entry conversion to include all United States Treasury detached bearer coupons and bearer corpora. A bearer corpus that is subject to call and that is submitted with all associated callable coupons will be transferable within BECCS. The associated callable coupons will be linked with the BECCS security. If a callable bearer corpus is submitted minus one or more associated callable coupons, the corpus will be converted to a non-transferable book-entry security within BECCS, and each callable coupon submitted will be converted to a non-transferable coupon within CUBES.

In the event that the United States suffers a loss as a result of a missing callable coupon, the submitting depository institution will be required to indemnify the United States against the loss. The indemnification will only apply in the event that a security is called. Indemnification is consistent with the current policy of redemption of called bearer instruments missing associated callable coupons.

Fees will be charged for the conversion of detached bearer coupons and bearer corpora. A notice of applicable fees will be published in the **Federal Register**. A separate fee will be charged for each coupon and each corpus conversion transaction processed. A corpus submitted with all associated callable coupons will be charged one conversion transaction fee. A corpus submitted minus one or more associated callable coupons will be charged a transaction fee for the conversion of the corpus and a transaction fee for each separate callable coupon converted. Each non-callable coupon submitted will be charged a conversion transaction fee. The fee for any coupon or corpus that is rejected by the Department, for whatever reason, is non-refundable.

The CUBES system has been in existence for a number of years and participants are familiar with the system and its requirements. Accordingly, a two month notice is no longer considered necessary. The notice requirement for openings of the CUBES and BECCS systems has been reduced to not less than 30 calendar days prior to the opening.

Procedural Requirements

This final rule does not meet the criteria for a ''significant regulatory action,'' pursuant to Executive Order 12866.

This final rule relates to matters of public contract and procedures for U.S. securities. Accordingly, pursuant to 5 U.S.C. 553 (a) (2), the notice, public comment and delayed effective date provisions of the Administrative Procedure Act do not apply.

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

There are no collections of information contained in this final rule. Therefore, the Paperwork Reduction Act does not apply.

List of Subjects in 31 CFR Part 358

Federal Reserve System, Government securities.

Dated: March 3, 1998.

Donald V. Hammond,

Acting Fiscal Assistant Secretary.

For the reasons set out in the preamble, 31 CFR part 358 is revised to read as follows:

PART 358— REGULATIONS GOVERNING BOOK-ENTRY CONVERSION OF DETACHED BEARER COUPONS AND BEARER CORPORA

Sec.
358.0 Applicability.
358.1 Definitions.
358.2 Governing regulations.
358.3 Securities not eligible for conversion.
358.4 Transferability.
358.5 Submissions of detached bearer coupons and bearer corpora.
358.6 Delivery of detached bearer coupons and bearer corpora.
358.7 Fees for conversion transactions.
358.8 Crediting of amounts less than one dollar.
358.9 Authority of depository institution.
358.10 Adjustments to or rejection of securities.
358.11 Audit and verification of securities.
358.12 Separate maintenance of accounts.
358.13 Processing against master accounts.
358.14 Program prohibitions.
358.15 Authority of Federal Reserve Banks.
358.16 Limitation of liability.
358.17 Indemnification.
358.18 Waiver of regulations.
358.19 Supplements, amendments or revisions.

Authority: 12 U.S.C. 391; 31 U.S.C. Ch. 31.

§ 358.0 Applicability.

(a) These regulations apply to the conversion of United States Treasury detached bearer coupons and bearer corpora to book-entry form. These instruments are accepted from depository institutions for conversion under the Coupons Under Book Entry Safekeeping program (CUBES) and Bearer Corpora Conversion System (BECCS) program during specified time periods. The Department of the Treasury (Department or Treasury) will determine the time periods during which detached bearer coupons and bearer corpora will be accepted for conversion into book-entry form, and the fees applicable to conversion. The time periods and fees will be announced in the **Federal Register** no less than 30 calendar days prior to the date such instruments may be presented. Presentment shall be to the Federal Reserve Bank of New York in accordance with a schedule provided by the Federal Reserve Bank of New York.

(b) For coupons converted after the effective date of this rule, these regulations supersede the terms and conditions governing CUBES set forth in the written ''Agreements to the Terms and Conditions Governing CUBES'' signed by those depository institutions that previously participated in the CUBES program.

(c) Depository institutions that submit detached bearer coupons and bearer corpora are deemed to agree to the terms and conditions set forth in this part and any other requirements that may be prescribed by the Department or the Federal Reserve Bank of New York.

§ 358.1 Definitions.

In this part, unless the context indicates otherwise:

BECCS refers to the Treasury's Bearer Corpora Conversion System. A BECCS security refers to a United States Treasury definitive bearer bond held in BECCS.

Callable refers to a United States Treasury bond subject to call, at the option of the Secretary, before maturity in accordance with the terms and conditions of its offering. Coupons associated with a callable bond that are due after the date upon which the bond is subject to call are callable coupons.

Corpus (plural corpora) refers to the principal portion of a United States Treasury definitive bearer bond.

Coupon refers to a definitive bearer interest instrument associated with a United States Treasury definitive bearer bond.

CUBES refers to the Treasury's Coupons Under Book-Entry Safekeeping program. A CUBES security is a definitive coupon detached from a United States Treasury bond and held in CUBES.

Depository institution means an entity described in section 19(b) of the Federal Reserve Act (12 U.S.C. 461(b)).

Federal Reserve Bank or Reserve Bank means a Federal Reserve Bank or Branch.

Non-callable refers to a United States Treasury bond not subject to call before maturity. Non-callable coupons are coupons associated with a non-callable bond, and coupons associated with a callable bond that are due on or before the date upon which the callable bond is subject to call.

Non-transferable means that the ownership of a security held in BECCS or CUBES may not be transferred, pursuant to the provisions of section 358.4 of this part.

Transferable means that the ownership of a security held in BECCS or CUBES may be transferred, pursuant to the provisions of § 358.4 of this part.

§ 358.2 Governing regulations.

CUBES and BECCS securities are deemed to be securities for purposes of, and upon their conversion to book-entry are governed by, subparts A, B, and D of part 357 of this chapter. Notwithstanding the provisions of part 357 of this chapter, certain CUBES and BECCS securities are non-transferable, pursuant to § 358.4 of this part.

§ 358.3 Securities not eligible for conversion.

(a) Detached bearer coupons and bearer corpora that are submitted within 30 days of their maturity date or, if the call provision has been invoked, within 30 days of their call date, will not be accepted for conversion.

(b) Bearer corpora with a maturity date on or before November 15, 1998, will not be accepted for conversion.

§ 358.4 Transferability.

In order for a callable corpus to be eligible for conversion to a transferable BECCS security all associated callable coupons must be submitted with the corpus. These callable coupons will be linked with the corpus within BECCS when converted. Once the coupons are linked to the corpus, they may not be separately transferred. If all of the callable coupons associated with the corpus are not submitted with the corpus, the corpus will be converted to a non-transferable BECCS security, and the remaining callable coupons submitted with the corpus will be converted to individual non-transferable CUBES securities. A corpus that is not subject to call will be converted to a transferable BECCS security. Non-callable coupons will be converted to transferable CUBES securities.

§ 358.5 Submissions of detached bearer coupons and bearer corpora.

(a) Detached bearer coupons and bearer corpora must be submitted to the Federal Reserve Bank of New York in accordance with Federal Reserve Bank of New York procedures and must be accompanied by an approved form, executed by an authorized officer of the submitting depository institution.

(b) Until verified by the Department, submitted detached bearer coupons and bearer corpora will be subject to rejection or adjustment.

§ 358.6 Delivery of detached bearer coupons and bearer corpora.

The depository institution shall bear the expense and assume the risk of loss associated with the delivery of the detached bearer coupons and bearer corpora to the Federal Reserve Bank of New York. The United States shall bear the expense and assume the risk of loss associated with the delivery of the submitted detached bearer coupons and bearer corpora between the Federal Reserve Bank of New York and the Department. The depository institution shall bear the expense and assume the risk of loss associated with the delivery of any detached bearer coupons and bearer corpora that are returned to the depository institution.

§ 358.7 Fees for conversion transactions.

The depository institution will pay a fee for each CUBES and BECCS conversion transaction processed. The fees for conversion transactions will be published in the **Federal Register** prior to the start of the initial conversion period. A corpus subject to call that is submitted with all of its associated callable coupons will be considered a single conversion transaction and will be charged a single fee. If one or more of the associated callable coupons are not submitted with the corpus, the conversion of each callable coupon submitted and the corpus will be considered a separate conversion transaction and will be charged a separate fee. Each non-callable coupon submitted will be considered a separate conversion transaction and will be charged a separate fee. The fee for any conversion transaction that is rejected by the Department for any reason is non-refundable.

§ 358.8 Crediting of amounts less than one dollar.

Upon the conversion of coupons to CUBES, amounts of less than one dollar in the aggregate per CUBES CUSIP will not be credited to the account of the depository institution.

§ 358.9 Authority of depository institution.

(a) Submission of detached bearer coupons and bearer corpora to the Federal Reserve Bank of New York for conversion to book-entry accounts under the CUBES and BECCS programs constitutes a representation by the depository institution that it has authority to convert the coupons and corpora to book-entry form.

(b) Neither the Department nor the Federal Reserve Bank of New York shall be liable if the depository institution has no authority to convert the detached bearer coupons and bearer corpora to book-entry form or to take other actions in respect to book-entry accounts in CUBES and BECCS.

(c) Neither the Department nor the Federal Reserve Bank of New York shall be liable for any loss incurred by the depository institution which may result from the failure of the depository institution to properly follow the procedures provided by the Federal Reserve Bank of New York.

§ 358.10 Adjustments to or rejection of securities.

In the event that the Department makes an adjustment to or rejects all or part of the submitted securities, the Federal Reserve Bank of New York will instruct the depository institution to transfer CUBES or BECCS securities of the same payment date and face value from the depository institution's account to the Federal Reserve Bank of New York. If no such CUBES or BECCS securities exist in the depository institution's account, the Federal Reserve Bank of New York will instruct the depository institution as to how an adjustment will be made. In the event that the depository institution fails to comply with the instructions of the Federal Reserve Bank of New York within five (5) business days of receipt of the instructions, the Federal Reserve Bank of New York reserves the right to debit the master account of the depository institution for the face value of the rejected detached bearer coupons and bearer corpora. By the submission of the detached bearer coupons and bearer corpora, the depository institution is deemed to agree to this debit.

§ 358.11 Audit and verification of securities.

After processing and initial verification, the Federal Reserve Bank of New York will credit the securities accepted to the depository institution's book-entry account, establishing a securities entitlement in TRADES pursuant to 31 CFR part 357 subpart B. Final verification by the Department will be accomplished within ten (10) business days of receipt of the detached bearer coupons and bearer corpora at the Department. The depository institution shall not trade in the securities prior to final verification. If at any time after this ten (10) day period the Department determines that the security was improperly credited to the CUBES or BECCS account of the depository institution, such as in the case of a previously undetected counterfeit security, the Department reserves the right to adjust the CUBES or BECCS account.

§ 358.12 Separate maintenance of accounts.

CUBES and BECCS accounts will be maintained separately from accounts maintained in Treasury's STRIPS (Separate Trading of Registered Interest and Principal of Securities) program.

§ 358.13 Processing against master accounts.

The depository institution agrees that all charges associated with its CUBES and BECCS accounts, including the conversion fee, will be processed against its master account on the books of a Federal Reserve Bank.

§ 358.14 Program prohibitions.

Once detached bearer coupons and bearer corpora have been converted to book-entry form, reconversion to physical form is prohibited. The reconstitution of a BECCS security with CUBES securities or any combination of Treasury obligations is prohibited.

§ 358.15 Authority of Federal Reserve Banks.

The Federal Reserve Bank of New York is hereby authorized as fiscal agent of the United States to perform functions with respect to this part.

§ 358.16 Limitation of liability.

Except as otherwise provided by regulation, circular, or written agreement, the Federal Reserve Bank of New York shall be liable in connection with any action taken or omission by it only for its failure to exercise ordinary care. In no event shall the Federal Reserve Bank of New York or the Department have or assume any responsibility to any party except the sending and receiving depository institutions involved in a CUBES or BECCS transaction. In no event shall the Federal Reserve Bank of New York or the Department assume any responsibility, in connection with a CUBES or BECCS transaction, for the insolvency, neglect, misconduct, mistake or default of another bank or person, including the immediate participants.

§ 358.17 Indemnification.

The submitting depository institution shall indemnify the United States against any loss which may occur as a result of the conversion of a bearer corpus missing one or more associated callable coupons.

§ 358.18 Waiver of regulations.

The Secretary of the Treasury reserves the right, in the Secretary's discretion, to waive or modify any provision(s) of these regulations in any particular case or class of cases for the convenience of the United States or in order to relieve any person(s) of unnecessary hardship, if such action is not inconsistent with law, does not impair any existing rights, and the Secretary is satisfied that such action will not subject the United States to any substantial expense or liability.

§ 358.19 Supplements, amendments or revisions.

The Secretary may, at any time, prescribe additional supplemental, amendatory or revised regulations with respect to CUBES and BECCS.

[FR Doc. 98–5928 Filed 3–5–98; 8:45 am]

BILLING CODE 4810–39–P

DEPARTMENT OF THE TREASURY

Fiscal Service

Coupons Under Book-Entry Safekeeping (CUBES) and Bearer Corpora Conversion System (BECCS); Opening of Programs

AGENCY: Bureau of the Public Debt, Fiscal Service, Department of the Treasury.

ACTION: Notice.

SUMMARY: This notice is being published to announce the reopening by the Department of the Treasury of its Coupons Under Book-Entry Safekeeping (CUBES), and the opening of its Bearer Corpora Conversion System (BECCS) programs, pursuant to the newly amended 31 CFR part 358. The reopening of CUBES will permit the conversion to book-entry of certain physical coupons detached from U.S. Treasury bearer securities. The opening of BECCS will permit the conversion to book-entry of U. S. Treasury stripped bearer corpora to book-entry form. CUBES and BECCS securities will be held in the commercial book-entry system, or TRADES. With the openings of the conversion window for CUBES and BECCS, depository institutions holding eligible coupons and corpora will have the opportunity, during the period from April 6, 1998, to and including October 9, 1998, to convert such coupons and corpora to book-entry form. Other entities wishing to convert coupons and corpora must arrange to do so through a depository institution.

DATES: April 6, 1998 through October 9, 1998, as described.

FOR FURTHER INFORMATION CONTACT: Maureen Parker, Director, Division of Securities Systems, Bureau of the Public Debt (304) 480–7761; Susan Klimas, Attorney-Adviser, Office of the Chief Counsel, Bureau of the Public Debt (304) 480–5192; Edward C. Gronseth, Deputy Chief Counsel, Office of the Chief Counsel, Bureau of the Public Debt (304) 480–5192.

SUPPLEMENTARY INFORMATION: A final rule amending 31 CFR part 358, the regulations governing CUBES, is published in this issue of the **Federal Register**. The final rule adds a new program, BECCS, that provides for the conversion of United States Treasury stripped bearer corpora to book-entry. To reflect the expanded scope of part 358, the title of the part has changed to Regulations Governing Book-Entry Conversion of Detached Bearer Coupons and Bearer Corpora. The amendment updates the terms and conditions governing conversions of coupons that occur after the effective date of the rule and provides the terms and conditions for the conversion of bearer corpora to BECCS. The amendment also shortens the notice requirement for openings of the CUBES program from two months to not less than 30 calendar days.

The regulations governing the book-entry conversion of detached bearer coupons and bearer corpora permit openings of the CUBES and BECCS windows for conversion to book-entry form of detached, physical coupons and stripped bearer corpora. The newly amended 31 CFR 358.0(a) provides, in part, that notice of time periods for conversion, as well as coupons and corpora eligible for conversion and applicable fees, will be published in the **Federal Register** no less than 30 days prior to the date coupons may be presented. Accordingly, pursuant to that authority, Treasury will reopen the window for conversion under its CUBES program, and open the window for conversion under its BECCS program beginning April 6, 1998, and ending close of business October 9, 1998. Under the program, depository institutions holding coupons stripped from Treasury securities and bearer corpora that have been stripped of all non-callable coupons will be permitted to convert them to book-entry form. Entities other than depository institutions that hold such coupons and bearer corpora and that wish to convert them to book-entry accounts under the CUBES and BECCS programs must arrange for conversion through a depository institution.

Detached bearer coupons and bearer corpora that are submitted within 30 days of their maturity date or, if the call provision has been invoked, within 30 days of their call date, will not be accepted for conversion.

Presentation of coupons under the CUBES and BECCS windows may be made only at the Federal Reserve Bank of New York and in compliance with the presentation procedures established by the Federal Reserve Bank of New York. Submissions of coupons are subject to the terms and conditions described in part 358.

A depository institution wishing to participate in CUBES or BECCS should contact Grace Jaiman (212) 720–8183 or Joanna Grever (212) 720–8184 of the Federal Reserve Bank of New York as soon as possible to obtain an information package and the necessary supplies required to present the stripped coupons and bearer corpora in acceptable form. The institution should inform the Federal Reserve Bank of New York of its intention to participate as soon as possible, but no later than two weeks before deposit, and should submit a completed holdings statement on the form provided in the information package.

Participants will be charged a separate conversion transaction fee of $4 for each coupon and each corpus conversion transaction processed. A corpus submitted with all associated callable coupons will be charged one conversion transaction fee. A corpus submitted minus one or more associated callable coupons will be charged a transaction fee for the conversion of the corpus and a transaction fee for each separate callable coupon converted. Each non-callable coupon submitted will be charged a conversion transaction fee. The fee for any coupon or corpus that is rejected by the Department, for whatever reason, is non-refundable.

Submitters of coupons are deemed to agree to the terms and conditions set forth in this notice, 31 CFR part 358, and any other requirements that may be prescribed by the Department of the Treasury and the Federal Reserve Bank of New York.

Dated: March 3, 1998.

Van Zeck,

Acting Commissioner, Bureau of the Public Debt.

[FR Doc. 98–5927 Filed 3–5–98; 8:45 am]

BILLING CODE 4810–39–P

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