2–22–99
Vol. 64 No. 34
Pages 8499–8710

federal register

Monday
February 22, 1999

Now Available Online via

GPO Access

Free online access to the official editions of the *Federal Register, the Code of Federal Regulations* and other Federal Register publications is available on *GPO Access*, a service of the U.S. Government Printing Office at:

http://www.access.gpo.gov/nara/index.html

For additional information on ***GPO Access*** products, services and access methods, see page II or contact the *GPO Access* User Support Team via:

- ★ Phone: toll-free: 1-888-293-6498
- ★ Email: gpoaccess@gpo.gov

Attention: Federal Agencies

Plain Language Tools Are Now Available

The Office of the Federal Register offers Plain Language Tools on its Website to help you comply with the President's Memorandum of June 1, 1998—Plain Language in Government Writing (63 FR 31883, June 10, 1998). Our address is: http://www.nara.gov/fedreg

For more in-depth guidance on the elements of plain language, read ''Writing User-Friendly Documents'' on the National Partnership for Reinventing Government (NPR) Website at: http://www.plainlanguage.gov

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

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

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

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

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

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

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

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

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

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

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

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

Printed on recycled paper.

SUBSCRIPTIONS AND COPIES

PUBLIC	
Subscriptions:	
Paper or fiche	**202–512–1800**
Assistance with public subscriptions	**512–1806**
General online information	**202–512–1530; 1–888–293–6498**
Single copies/back copies:	
Paper or fiche	**512–1800**
Assistance with public single copies	**512–1803**
FEDERAL AGENCIES	
Subscriptions:	
Paper or fiche	**523–5243**
Assistance with Federal agency subscriptions	**523–5243**

NOW AVAILABLE ONLINE

The October 1998 Office of the Federal Register Document Drafting Handbook

Free, easy online access to the newly revised October 1998 Office of the Federal Register Document Drafting Handbook (DDH) is now available at:

http://www.nara.gov/fedreg/draftres.html

This handbook helps Federal agencies to prepare documents for publication in the **Federal Register.**

For additional information on access, contact the Office of the Federal Register's Technical Support Staff.

Phone: 202–523–3447

E-mail: info@fedreg.nara.gov

Contents

Federal Register

Vol. 64, No. 34

Monday, February 22, 1999

Agriculture Department
See Forest Service

Census Bureau
NOTICES
Meetings:
African American, American Indian and Alaska Native, Asian and Pacific Islander, and Hispanic Population Advisory Committees, 8540–8541
American Indian and Alaska Native Populations, 8541

Centers for Disease Control and Prevention
NOTICES
Meetings:
Translation Advisory Committee for Diabetes Prevention and Control Programs, 8574

Children and Families Administration
NOTICES
Agency information collection activities:
Proposed collection; comment request, 8574–8575

Civil Rights Commission
NOTICES
Senior Executive Service:
Performance Review Board; membership, 8540

Commerce Department
See Census Bureau
See Foreign-Trade Zones Board
See International Trade Administration
See National Institute of Standards and Technology
See National Oceanic and Atmospheric Administration

Committee for the Implementation of Textile Agreements
NOTICES
Export visa requirements; certification, waivers, etc.:
Russia, 8550

Education Department
NOTICES
Agency information collection activities:
Proposed collection; comment request, 8550–8551
Submission for OMB review; comment request, 8551–8552
Meetings:
National Education Research Policy and Priorities Board, 8552–8553

Energy Department
See Federal Energy Regulatory Commission
NOTICES
Environmental statements; notice of intent:
Argonne National Laboratory-West, ID; electrometallurgical treatment of sodium-spent nuclear fuel, 8553–8558
Savannah River Site, SC; in-tank precipitation process alternatives, 8558–8560
Natural gas exportation and importation:
OGE Energy Resources, Inc., et al., 8553

Environmental Protection Agency
RULES
Air quality implementation plans; approval and promulgation; various States:
Illinois, 8517–8523
Clean Air Act:
State operating permits programs—Wyoming, 8523–8526
Pesticides; tolerances in food, animal feeds, and raw agricultural commodities:
Formic acid, 8526–8529
PROPOSED RULES
Air quality implementation plans; approval and promulgation; various States:
Illinois, 8532
Clean Air Act:
State operating permits programs—Wyoming, 8533

Federal Aviation Administration
RULES
Airworthiness directives:
Boeing, 8500–8502
British Aerospace, 8499–8500
Class E airspace, 8502–8510
PROPOSED RULES
Airworthiness directives:
McDonnell Douglas, 8530–8532
NOTICES
Meetings:
Aviation Rulemaking Advisory Committee, 8634

Federal Communications Commission
NOTICES
Agency information collection activities:
Proposed collection; comment request, 8563–8565
Submission for OMB review; comment request, 8565–8566

Federal Emergency Management Agency
NOTICES
Disaster and emergency areas:
Alabama, 8566
Arkansas, 8566–8567
Idaho, 8567
Illinois, 8567–8568
Michigan, 8568
Mississippi, 8568
Tennessee, 8568–8569
Washington, 8569–8570

Federal Energy Regulatory Commission
NOTICES
Hydroelectric applications, 8563
Applications, hearings, determinations, etc.:
Eastern Shore Natural Gas Co., 8560
Heber Light & Power Co., 8560
Mid Louisiana Gas Co., 8560–8561
Midwestern Gas Transmission Co., 8561
PG&E Gas Transmission, Northwest Corp., 8561–8562
Texas Eastern Transmission Corp., 8562
Wisconsin Public Service Corp., 8562–8563

Federal Highway Administration
NOTICES
Environmental statements; notice of intent:
Ketchikan, AK, 8635
Transportation Equity Act for 21st Century; implementation:
Innovative bridge research and construction program; meeting, 8635–8636

Federal Maritime Commission
NOTICES
Investigations, hearings, petitions, etc.:
Chiang, I Chen ''Jenny'', et al., 8570–8571
Pacific Champion Express Co., Ltd., 8571–8572
Meetings; Sunshine Act, 8572

Federal Procurement Policy Office
NOTICES
Motion picture and videotape productions, contracting (Policy Letter 79-4); recission, 8631–8632

Federal Reserve System
NOTICES
Agency information collection activities:
Proposed collection; comment request, 8572–8573
Banks and bank holding companies:
Formations, acquisitions, and mergers, 8573

Fish and Wildlife Service
PROPOSED RULES
Endangered and threatened species:
Tinian monarch; withdrawn, 8533–8538

Food and Drug Administration
NOTICES
Committees; establishment, renewal, termination, etc.:
Food Advisory Committee, 8575–8576
Meetings:
Blood Products Advisory Committee, 8577
Food contact substances; premarket notification, 8577–8579
Reports and guidance documents; availability, etc.:
Food Code; 1999 revision, 8576–8577
Orthopedic implants with metallic plasma sprayed coatings, testing to support reconsideration of postmarket surveillance requirements; industry guidance, 8579–8580

Foreign-Trade Zones Board
NOTICES
Applications, hearings, determinations, etc.:
North Carolina
Consolidated Diesel Co., Inc.; spark ignition and diesel engine manufacturing facilities, 8541–8542
Ohio, 8542

Forest Service
NOTICES
Environmental statements; notice of intent:
Beaverhead-Deerlodge National Forest, MT, 8539–8540
Forest Service Manual:
Ski area permit fee system, 8681–8690

General Accounting Office
NOTICES
Financial management systems:
Requirements checklists; availability, 8573–8574

Health and Human Services Department
See Centers for Disease Control and Prevention
See Children and Families Administration
See Food and Drug Administration
See National Institutes of Health

Housing and Urban Development Department
PROPOSED RULES
Mortgage and loan insurance programs:
Single family mortgage insurance—
Indian reservations; suspension of authority to insure mortgages; withdrawal, 8532
NOTICES
Agency information collection activities:
Proposed collection; comment request, 8585–8586
Submission for OMB review; comment request, 8586–8588
Grants and cooperative agreements; availability, etc.:
Community Development Block Grant Program—
Indian Tribes and Alaska Native villages, 8691–8709
Facilities to assist homeless—
Excess and surplus Federal property, 8588–8625

Interior Department
See Fish and Wildlife Service
See Land Management Bureau
See Surface Mining Reclamation and Enforcement Office
NOTICES
Nevada; federally-owned facilities and lands; reservation of Colorado River water, 8625–8626

International Trade Administration
NOTICES
Antidumping:
Freshwater crawfish tail meat from—
China, 8543–8547
Antidumping and countervailing duties:
Administrative review requests, 8542–8543

International Trade Commission
NOTICES
Import investigations:
Creatine monohydrate from—
China, 8629–8630

Labor Department
NOTICES
Agency information collection activities:
Proposed collection; comment request, 8630–8631

Land Management Bureau
NOTICES
Committees; establishment, renewal, termination, etc.:
Wild Horse and Burro Advisory Board, 8626
Environmental statements; availability, etc.:
Cassia Resource Management Plan, Cassia County, ID, 8626–8627
Manti-LaSal National Forest, Sevier County, UT; ''The Pines'' coal lease modification; record of decision, 8627
Realty actions; sales, leases, etc.:
Idaho, 8627–8628

Management and Budget Office
See Federal Procurement Policy Office

National Credit Union Administration
NOTICES
Meetings; Sunshine Act, 8632

National Highway Traffic Safety Administration
NOTICES
Meetings:
Research and development programs, 8636–8637

National Institute of Standards and Technology
NOTICES
Meetings:
Computer System Security and Privacy Advisory Board, 8547

National Institutes of Health
NOTICES
Meetings:
National Cancer Institute, 8581
National Heart, Lung, and Blood Institute, 8581
National Institute of Arthritis and Musculoskeletal and Skin Diseases, 8583
National Institute of Diabetes and Digestive and Kidney Diseases, 8581–8582
National Institute of General Medical Sciences, 8582–8583
National Library of Medicine, 8583
Organization, functions, and authority delegations:
Communications and Public Liaison Office, 8583–8584
Patent licenses; non-exclusive, exclusive, or partially exclusive:
Genaissance Pharmaceuticals, Inc., 8584–8585

National Oceanic and Atmospheric Administration
RULES
Fishery conservation and management:
Alaska; fisheries of Exclusive Economic Zone—Pollock, 8529
NOTICES
Marine mammals:
Incidental taking; authorization letters, etc—
La Jola Children's Pool, La Jolla, CA; Pacific harbor seals, 8548–8549
Meetings:
Atlantic tuna fisheries; hearings, etc.; correction, 8547
Mid-Atlantic Fishery Management Council, 8547–8548

Nuclear Regulatory Commission
PROPOSED RULES
Radioactive wastes, high-level; disposal in geologic repositories:
Yucca Mountain, NV, 8639–8679

Public Health Service
See Centers for Disease Control and Prevention
See Food and Drug Administration
See National Institutes of Health

Securities and Exchange Commission
NOTICES
Meetings; Sunshine Act, 8632
Securities:
Suspension of trading—
C.P.R. Corp., 8633
Redwing, Inc., 8632–8633
Shebolt International, Inc., 8632

Small Business Administration
NOTICES
Disaster loan areas:
Arkansas, 8633
New Jersey et al., 8633
Pennsylvania, 8633–8634
Tennessee, 8634

Surface Mining Reclamation and Enforcement Office
RULES
Permanent program and abandoned mine land reclamation plan submissions:
Alaska, 8510–8514
Utah, 8514–8517
NOTICES
Agency information collection activities:
Proposed collection; comment request, 8628–8629

Textile Agreements Implementation Committee
See Committee for the Implementation of Textile Agreements

Transportation Department
See Federal Aviation Administration
See Federal Highway Administration
See National Highway Traffic Safety Administration
NOTICES
Aviation proceedings:
Agreements filed; weekly receipts, 8634

Treasury Department
NOTICES
Agency information collection activities:
Submission for OMB review; comment request, 8637

Veterans Affairs Department
NOTICES
Agency information collection activities:
Submission for OMB review; comment request, 8637–8638

Separate Parts In This Issue

Part II
Nuclear Regulatory Commission, 8639–8679

Part III
Department of Agriculture, Forest Service, 8681–8690

Part IV
Department of Housing and Urban Development, 8691–8709

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

CFR PARTS AFFECTED IN THIS ISSUE

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

10 CFR

Proposed Rules:

2 8640
19 8640
20 8640
21 8640
30 8640
40 8640
51 8640
60 8640
61 8640
63 8640

14 CFR

39 (2 documents) 8499, 8500
71 (8 documents) 8502, 8504, 8505, 8506, 8507, 8508

Proposed Rules:

39 8530

24 CFR

Proposed Rules:

203 8532

30 CFR

902 8510
944 8514

40 CFR

52 8517
70 8523
180 8526

Proposed Rules:

52 8532
70 8533

50 CFR

679 8529

Proposed Rules:

17 8533

Rules and Regulations

Federal Register
Vol. 64, No. 34
Monday, February 22, 1999

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

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

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 39

[Docket No. 98–CE–76–AD; Amendment 39–11046; AD 99–04–21]

RIN 2120–AA64

Airworthiness Directives; British Aerospace Jetstream Models 3101 and 3201 Airplanes

AGENCY: Federal Aviation Administration, DOT.

ACTION: Final rule.

SUMMARY: This amendment adopts a new airworthiness directive (AD) that applies all British Aerospace Jetstream Model 3101 airplanes that have a certain wheel assembly incorporated and all Jetstream Model 3201 airplanes that are equipped with Dunlop AH54450 brake units. This AD requires inspecting the main landing gear brake units for correct setting of the wear indicator pins, and re-setting the pins if incorrect. This AD is the result of mandatory continuing airworthiness information (MCAI) issued by the airworthiness authority for the United Kingdom. The actions specified by this AD are intended to prevent failure of the main landing gear brakes because the wear indicator pins present a false indication of the remaining wear of the brake units, which could result in loss of control of the airplane during takeoff, landing, or taxi operations.

DATES: Effective April 2, 1999.

The incorporation by reference of certain publications listed in the regulations is approved by the Director of the Federal Register as of April 2, 1999.

ADDRESSES: Service information that applies to this AD may be obtained from British Aerospace Regional Aircraft, Prestwick International Airport, Ayrshire, KA9 2RW, Scotland; telephone: (01292) 479888; facsimile: (01292) 479703. This information may also be examined at the Federal Aviation Administration (FAA), Central Region, Office of the Regional Counsel, Attention: Rules Docket No. 98–CE–76–AD, Room 1558, 601 E. 12th Street, Kansas City, Missouri 64106; or at the Office of the Federal Register, 800 North Capitol Street, NW, suite 700, Washington, DC.

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

SUPPLEMENTARY INFORMATION:

Events Leading to the Issuance of This AD

A proposal to amend part 39 of the Federal Aviation Regulations (14 CFR part 39) to include an AD that would apply to all British Aerospace Jetstream Model 3101 airplanes that have Jetstream Kit JK12097 or Jetstream Service Bulletin 32–JK12097 incorporated and all Jetstream Model 3201 airplanes that are equipped with Dunlop AH54450 main landing gear brake units was published in the **Federal Register** as a notice of proposed rulemaking (NPRM) on December 8, 1998 (63 FR 67629). The NPRM proposed to require inspecting the main landing gear brake units for correct setting of the wear indicator pins, and re-setting the pins if incorrect. Accomplishment of the proposed action as specified in the NPRM would be in accordance with British Aerospace Jetstream Alert Service Bulletin 32–A–JA980540, ORIGINAL ISSUE: July 6, 1998.

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

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

The FAA's Determination

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

Compliance Time of This AD

Although failure of the main landing gear brakes will only be unsafe while the airplane is in operation, the cause of this condition is not a result of the number of times the airplane is operated. The chance of the brake wear pin being incorrectly set is the same for an airplane with 10 hours time-in-service (TIS) as it is for an airplane with 1,000 hours TIS. For this reason, the FAA is utilizing a compliance based on calendar time in order to assure that the unsafe condition is addressed on all airplanes in a reasonable time period.

Cost Impact

The FAA estimates that 296 airplanes in the U.S. registry will be affected by this AD, that it will take approximately 3 workhours per airplane to accomplish the inspection, and that the average labor rate is approximately $60 an hour. Based on these figures, the total cost impact of the inspection on U.S. operators is estimated to be $53,280, or $180 per airplane.

The FAA has no way of determining the number of wear indicator pins that will be found incorrectly set, and will require re-setting. Therefore, the above figures only represent the inspection costs of this AD.

Regulatory Impact

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

For the reasons discussed above, I certify that this action (1) is not a ''significant regulatory action'' under Executive Order 12866; (2) is not a ''significant rule'' under DOT Regulatory Policies and Procedures (44

FR 11034, February 26, 1979); and (3) will not have a significant economic impact, positive or negative, on a substantial number of small entities under the criteria of the Regulatory Flexibility Act.

A copy of the final evaluation prepared for this action is contained in the Rules Docket. A copy of it may be obtained by contacting the Rules Docket at the location provided under the caption **ADDRESSES**.

List of Subjects in 14 CFR Part 39

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

Adoption of the Amendment

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

PART 39—AIRWORTHINESS DIRECTIVES

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

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

§ 39.13 [Amended]

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

99–04–21 British Aerospace: Amendment 39–11046; Docket No. 98–CE–76–AD.

Applicability: The following aircraft, certificated in any category:

—Jetstream Model 3101 airplanes, all serial numbers, that have Jetstream Kit JK12097 or Jetstream Service Bulletin 32–JK12097 incorporated; and

—Jetstream Model 3201 airplanes, all serial numbers, that are equipped with Dunlop AH54450 brake units.

Note 1: Jetstream Kit JK12097 and Jetstream Service Bulletin 32–JK12097 include the procedures necessary to incorporate J3200 series wheels with 12-ply rated tires and brakes for Jetstream Model 3101 airplanes.

Note 2: This AD applies to each airplane identified in the preceding applicability provision, regardless of whether it has been modified, altered, or repaired in the area subject to the requirements of this AD. For airplanes that have been modified, altered, or repaired so that the performance of the requirements of this AD is affected, the owner/operator must request approval for an alternative method of compliance in accordance with paragraph (d) of this AD. The request should include an assessment of the effect of the modification, alteration, or repair on the unsafe condition addressed by this AD; and, if the unsafe condition has not been eliminated, the request should include specific proposed actions to address it.

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

To prevent failure of the main landing gear brakes because the wear indicator pins present a false indication of the remaining wear of the brake units, which could result in loss of control of the airplane during takeoff, landing, or taxi operations, accomplish the following:

(a) Within the next 30 calendar days after the effective date of this AD, inspect the main landing gear brake units for correct setting of the wear indicator pins, in accordance with the instructions in *PART 2* of British Aerospace Jetstream Alert Service Bulletin 32–A–JA980540, ORIGINAL ISSUE: July 6, 1998. Prior to further flight, re-set the pins if the existing setting is incorrect, in accordance with the service bulletin.

(b) As of the effective date of this AD, no person may install Dunlop AH54450 brake units on any Jetstream Model 3201 airplane or incorporate Jetstream Kit JK12097 and Jetstream Service Bulletin 32–JK12097 on any Jetstream 3101 airplane, unless the inspection and possible follow-up requirements of paragraph (a) of this AD have been accomplished on the parts.

(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) 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, Aircraft Certification Service, 1201 Walnut, suite 900, Kansas City, Missouri 64106. The request shall be forwarded through an appropriate FAA Maintenance Inspector, who may add comments and then send it to the Manager, Small Airplane Directorate.

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

(e) Questions or technical information related to British Aerospace Jetstream Alert Service Bulletin 32–A–JA980540, ORIGINAL ISSUE: July 6, 1998, should be directed to British Aerospace Regional Aircraft, Prestwick International Airport, Ayrshire, KA9 2RW, Scotland; telephone: (01292) 479888; facsimile: (01292) 479703. This service information may be examined at the FAA, Central Region, Office of the Regional Counsel, Room 1558, 601 E. 12th Street, Kansas City, Missouri 64106.

(f) The inspection and modification required by this AD shall be done in accordance with British Aerospace Jetstream Alert Service Bulletin 32–A–JA980540, ORIGINAL ISSUE: July 6, 1998. 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 British Aerospace Regional Aircraft, Prestwick International Airport, Ayrshire, KA9 2RW, Scotland. Copies may be inspected at the FAA, Central Region, Office of the Regional Counsel, Room 1558, 601 E. 12th Street, Kansas City, Missouri, or at the Office of the Federal Register, 800 North Capitol Street, NW, suite 700, Washington, DC.

Note 4: The subject of this AD is addressed in British AD 003–07–98, dated July 13, 1998.

(g) This amendment becomes effective on April 2, 1999.

Issued in Kansas City, Missouri, on February 9, 1999.

Marvin R. Nuss,

Acting Manager, Small Airplane Directorate, Aircraft Certification Service.

[FR Doc. 99–3888 Filed 2–19–99; 8:45 am]

BILLING CODE 4910–13–U

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 39

[Docket No. 98–NM–148–AD; Amendment 39–11048; AD 99–04–23]

RIN 2120–AA64

Airworthiness Directives; Boeing Model 737 Series Airplanes

AGENCY: Federal Aviation Administration, DOT.

ACTION: Final rule.

SUMMARY: This amendment adopts a new airworthiness directive (AD), applicable to certain Boeing Model 737 series airplanes, that requires repetitive ultrasonic inspections to detect broken bolts that attach the terminal support fittings to the upper part of the Body Station 1088 bulkhead, and corrective actions, if necessary. This amendment also requires eventual replacement of the existing bolts with new, improved bolts, which, when accomplished, terminates the repetitive inspection requirements of this AD. This amendment is prompted by reports that bolts that attach the terminal support fittings to the upper part of the bulkhead were found broken. The actions specified by this AD are intended to prevent such broken bolts, which could result in reduced structural integrity of the vertical fin installation and possible loss of the vertical fin.

DATES: Effective March 29, 1999.

The incorporation by reference of certain publications listed in the regulations is approved by the Director of the Federal Register as of March 29, 1999.

ADDRESSES: The service information referenced in this AD may be obtained from Boeing Commercial Airplane Group, P.O. Box 3707, Seattle, Washington 98124–2207. This information may be examined at the

Federal Aviation Administration (FAA), Transport Airplane Directorate, Rules Docket, 1601 Lind Avenue, SW., Renton, Washington; or at the Office of the Federal Register, 800 North Capitol Street, NW., suite 700, Washington, DC.

FOR FURTHER INFORMATION CONTACT: Rick Kawaguchi, Aerospace Engineer, Airframe Branch, ANM–120S, FAA, Transport Airplane Directorate, Seattle Aircraft Certification Office, 1601 Lind Avenue, SW., Renton, Washington 98055–4056; telephone (425) 227–1153; fax (425) 227–1181.

SUPPLEMENTARY INFORMATION: A proposal to amend part 39 of the Federal Aviation Regulations (14 CFR part 39) to include an airworthiness directive (AD) that is applicable to certain Boeing Model 737 series airplanes was published in the **Federal Register** on July 15, 1998 (63 FR 38116). That action proposed to require repetitive ultrasonic inspections to detect broken bolts that attach the terminal support fittings to the upper part of the Body Station 1088 bulkhead, and corrective actions, if necessary. That action also proposed to require eventual replacement of the existing bolts with new, improved bolts, which, when accomplished, would terminate the requirements of the AD.

Comments Received

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

Several commenters support the proposed rule.

Request to Revise Applicability of the AD

One commenter requests that the applicability of the proposed AD be revised to list the affected airplanes by specific model number. The commenter states that the proposed applicability could cause undue confusion because the next generation (737–600/–700/–800) series airplanes will start over with line number 001, and the proposal does not apply to these next generation airplanes.

The FAA concurs with the commenter's request. The FAA has verified that the cumulative line numbering of the next generation airplanes (737–600/–700/–800) will be reset to begin with line number 001. Additionally, the Model 737–400 and –500 series airplanes begin with line number 1486 and have a design change implemented that specifies installation of the Inconel bolts; therefore, those airplanes are not subject to the identified unsafe condition. The applicability section of the final rule has been revised to specify Model 737–100, –200 and –300 series airplanes only, line numbers 1 through 1485.

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 change previously described. The FAA has determined that this change will neither increase the economic burden on any operator nor increase the scope of the AD.

Cost Impact

There are approximately 1,485 airplanes of the affected design in the worldwide fleet. The FAA estimates that 630 airplanes of U.S. registry will be affected by this AD.

It will take approximately 3 work hours per airplane to accomplish the required inspection, at an average labor rate of $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 $113,400, or $180 per airplane, per inspection cycle.

It will take approximately 9 work hours per airplane to accomplish the required replacement, at an average labor rate of $60 per work hour. Required parts will cost approximately $471 per airplane. Based on these figures, the cost impact of the replacement required by this AD on U.S. operators is estimated to be $636,930, or $1,011 per airplane.

The cost impact figures discussed above are 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:

99–04–23 Boeing: Amendment 39–11048. Docket 98–NM–148–AD.

Applicability: Model 737–100, –200, and –300 series airplanes, line numbers 1 through 1485 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 broken bolts that attach the terminal support fittings to the upper part of the Body Station (BS) 1088 bulkhead, which could result in reduced structural integrity of the vertical fin installation and possible loss of the vertical fin, accomplish the following:

(a) Within 18 months after the effective date of this AD, perform an ultrasonic inspection to detect broken bolts that attach the terminal support fittings to the upper part of the BS 1088 bulkhead, in accordance with Boeing Service Bulletin 737–53–1107, Revision 3, dated August 26, 1993; as revised

by Notice of Status Change 737–53–1107 NSC 3, dated June 9, 1994, and Notice of Status Change 737–53–1107 NSC 4, dated September 22, 1994; or Boeing Service Bulletin 737–53–1107, Revision 4, dated February 8, 1996.

(1) If no broken bolt is found, repeat the ultrasonic inspection thereafter at intervals not to exceed 18 months.

(2) If any broken bolt is found, prior to further flight, perform the actions specified in paragraph (b) of this AD.

(b) Prior to the accumulation of 20 years since date of manufacture of the airplane, or within 18 months after the effective date of this AD, whichever occurs later, remove all 16 H–11 steel alloy bolts that attach the terminal support fittings to the upper part of the bulkhead, and perform an eddy current inspection to detect cracking or corrosion of the bolt holes, in accordance with Figure 2 of Boeing Service Bulletin 737–53–1107, Revision 3, dated August 26, 1993; as revised by Notice of Status Change 737–53–1107 NSC 3, dated June 9, 1994, and Notice of Status Change 737–53–1107 NSC 4, dated September 22, 1994; or Boeing Service Bulletin 737–53–1107, Revision 4, dated February 8, 1996.

(1) If no cracking or corrosion is found, prior to further flight, oversize all 16 bolt holes and install new Inconel bolts, in accordance with Figure 2 of the service bulletin. Accomplishment of this installation constitutes terminating action for the repetitive inspection requirements of this AD.

(2) If any corrosion is found, prior to further flight, oversize the bolt hole within the limits specified in Figure 2, Step 4, of the service bulletin, and install a new Inconel bolt, in accordance with Figure 2 of the service bulletin. Accomplishment of the installation for all 16 bolt holes constitutes terminating action for the repetitive inspection requirements of this AD. If corrosion does not clean up within the limits specified in Figure 2, Step 4, of the service bulletin, prior to further flight, repair in accordance with a method approved by the Manager, Seattle Aircraft Certification Office (ACO), FAA, Transport Airplane Directorate.

(3) If any cracking is found, prior to further flight, oversize the bolt hole within the limits specified in Figure 2, Step 5, of the service bulletin, and perform another eddy current inspection to ensure cracks have been removed, in accordance with Figure 2 of the service bulletin.

(i) If, after oversizing, no cracking is found, prior to further flight, oversize the bolt hole again, and install a new Inconel bolt, in accordance with Figure 2 of the service bulletin. Accomplishment of the installation for all 16 bolt holes constitutes terminating action for the repetitive inspection requirements of this AD.

(ii) If, after oversizing, any cracking is found, prior to further flight, repair in accordance with a method approved by the Manager, Seattle ACO.

Note 2: Replacement of all H–11 steel alloy bolts accomplished prior to the effective date of this AD, in accordance with Boeing Service Bulletin 737–53–1107, dated October 15, 1987; Revision 1, dated June 22, 1989; or Revision 2, dated September 10, 1992; is considered acceptable for compliance with the applicable actions specified in paragraph (b) of this AD.

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

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

(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) Except as provided by paragraphs (b)(2) and (b)(3)(ii) of this AD, the actions shall be done in accordance with Boeing Service Bulletin 737–53–1107, Revision 3, dated August 26, 1993; as revised by Notice of Status Change 737–53–1107 NSC 3, dated June 9, 1994, and Notice of Status Change 737–53–1107 NSC 4, dated September 22, 1994; or Boeing Service Bulletin 737–53–1107, Revision 4, dated February 8, 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 Boeing Commercial Airplane Group, P.O. Box 3707, Seattle, Washington 98124–2207. Copies may be inspected at the FAA, Transport Airplane Directorate, 1601 Lind Avenue, SW., Renton, Washington; or at the Office of the Federal Register, 800 North Capitol Street, NW., suite 700, Washington, DC.

(f) This amendment becomes effective on March 29, 1999.

Issued in Renton, Washington, on February 11, 1999.

John J. Hickey,

Acting Manager, Transport Airplane Directorate, Aircraft Certification Service.

[FR Doc. 99–3935 Filed 2–19–99; 8:45 am]

BILLING CODE 4910–13–U

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 71

[Airspace Docket No. 98–ACE–52]

Amendment to Class E Airspace; Perry, IA

AGENCY: Federal Aviation Administration, DOT.

ACTION: Direct final rule; confirmation of effective date.

SUMMARY: This document confirms the effective date of a direct final rule which revises Class E airspace at Perry, IA.

DATES: The direct final rule published at 64 FR 10 is effective on 0901 UTC, March 25, 1999.

FOR FURTHER INFORMATION CONTACT: Kathy Randolph, Air Traffic Division, Airspace Branch, ACE–520C, Federal Aviation Administration, 601 East 12th Street, Kansas City, Missouri 64106; telephone: (816) 426–3408.

SUPPLEMENTARY INFORMATION: The FAA published this direct final rule with a request for comments in the **Federal Register** on January 4, 1999 (64 FR 10). The FAA uses the direct final rulemaking procedure for a non-controversial rule where the FAA believes that there will be no adverse public comment. This direct final rule advised the public that no adverse comments were anticipated, and that unless a written adverse comment, or a written notice of intent to submit such an adverse comment, were received within the comment period, the regulation would become effective on March 25, 1999. No adverse comments were received, and thus this notice confirms that this direct final rule will become effective on that date .

Issued in Kansas City, MO on January 29, 1999.

Christopher R. Blum,

Acting Manager, Air Traffic Division, Central Region.

[FR Doc. 99–4182 Filed 2–19–99; 8:45 am]

BILLING CODE 4910–13–M

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 71

[Airspace Docket No. 99–ACE–3]

Amendment to Class E Airspace; Newton, KS

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Direct final rule; request for comments.

SUMMARY: This action amends Class E airspace area at Newton City-County Municipal Airport, Newton, KS. A review of the Class E airspace area for Newton City-County Airport indicates it does not comply with the criteria for 700 feet Above Ground Level (AGL) airspace required for diverse departures as specified in FAA Order 7400.2D. The Class E airspace has been enlarged to conform to the criteria of FAA Order 7400.2D. The intended effect of this rule is to provide additional controlled Class E airspace for aircraft operating under Instrument Flight Rules (IFR), and

comply with the criteria of FAA Order 7400.2D.

DATES: Effective date: 0901 UTC, May 20, 1999.

Comments for inclusion in the Rules Docket must be received on or before March 31, 1999.

ADDRESSES: Send comments regarding the rule in triplicate to: Manager, Airspace Branch, Air Traffic Division, ACE–520, Federal Aviation Administration, Docket Number 99–ACE–3, 601 East 12th Street, Kansas City, MO 64106.

The official docket may be examined in the Office of the Regional Counsel for the Central Region at the same address between 9:00 a.m. and 3:00 p.m., Monday through Friday, except Federal holidays.

An informal docket may also be examined during normal business hours in the Air Traffic Division at the same address listed above.

FOR FURTHER INFORMATION CONTACT: Kathy Randolph, Air Traffic Division, Airspace Branch, ACE–520C, Federal Aviation Administration, 601 East 12th Street, Kansas City, MO 64106; telephone: (816) 426–3408.

SUPPLEMENTARY INFORMATION: This amendment to 14 CFR 71 revises the Class E airspace at Newton, KS. A review of the Class E airspace for Newton City-County Airport indicates it does not meet the criteria for 700 feet AGL airspace required for diverse departures as specified in FAA Order 7400.2D. The criteria in FAA Order 7400.2D for an aircraft to reach 1200 feet AGL is based on a standard climb gradient of 200 feet per mile plus the distance from the Airport Reference Point (ARP) to the end of the outermost runway. Any fractional part of a mile is converted to the next higher tenth of a mile. The amendment at Newton City-County Airport, KS, will provide additional controlled airspace for aircraft operating under IFR, and comply with the criteria of FAA Order 7400.2D. The area will be depicted on appropriate aeronautical charts. Class E airspace areas extending upward from 700 feet or more above the surface of the earth are published in paragraph 6005 of FAA Order 7400.9F, dated September 10, 1998, and effective September 16, 1998, which is incorporated by reference in 14 CFR 71.1. The Class E airspace designation listed in this document will be published subsequently in the Order.

The Direct Final Rule Procedure

The FAA anticipates that this regulation will not result in adverse or negative comment and, therefore, is issuing it as a direct final rule. Previous actions of this nature have not been controversial and have not resulted in adverse comments or objections. The amendment will enhance safety for all flight operations by designating an area where VFR pilots may anticipate the presence of IFR aircraft at lower altitudes, especially during inclement weather conditions. A greater degree of safety is achieved by depicting the area on aeronautical charts. Unless a written adverse or negative comment, or a written notice of intent to submit an adverse or negative comment is received within the comment period, the regulation will become effective on the date specified above. After the close of the comment period, the FAA will publish a document in the **Federal Register** indicating that no adverse or negative comments were received and confirming the date on which the final rule will become effective. If the FAA does receive, within the comment period, an adverse or negative comment, or written notice of intent to submit such a comment, a document withdrawing the direct final rule will be published in the **Federal Register**, and a notice of proposed rulemaking may be published with a new comment period.

Comments Invited

Although this action is in the form of a final rule and was not preceded by a notice of proposed rulemaking, 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 or withdrawn in light of the comments received. Factual information that supports the commenter's ideas and suggestions is extremely helpful in evaluating the effectiveness of this action and determining whether additional rulemaking action would be needed.

Comments are specifically invited on the overall regulatory, economic, environmental, and energy-related 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 action 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. 99–ACE–3.'' The postcard will be date stamped and returned to the commenter.

Agency Findings

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 noncontroversial and unlikely to result in adverse or negative comments. For the reasons discussed in the preamble, I certify that this regulation (1) is not a ''significant regulatory action'' under Executive Order 12866; (2) is not a ''significant rule'' under Department of Transportation (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.

List of Subjects in 14 CFR Part 71

Airspace, Incorporation by reference, Navigation (air).

Adoption of the Amendment

Accordingly, the Federal Aviation Administration amends 14 CFR part 71 as follows:

PART 71—DESIGNATION OF CLASS A, CLASS B, CLASS C, CLASS D, AND CLASS E AIRSPACE AREAS; AIRWAYS; ROUTES, AND REPORTING POINTS

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

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

§ 71.1 [Amended]

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

September 16, 1998, is amended as follows:

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

* * * * *

ACE KS E5 Newton, KS [Revised]

Newton City-County Airport, KS
(Lat. 38°03′26″N., long. 97°16′31″W.)
Newton NDB, KS
(Lat. 38°03′51″N., long. 97°16′24″W.)

That airspace extending upward from 700 feet above the surface within a 6.7-mile radius of Newton City-County Airport and within 2.6 miles each side of the 185° bearing from the Newton NDB extending from the 6.7-mile radius to 7.4 miles south of the airport.

Issued in Kansas City, MO, on February 2, 1999.

Christopher R. Blum,

Acting Manager, Air Traffic Division, Central Region.

[FR Doc. 99–4181 Filed 2–19–99; 8:45 am]

BILLING CODE 4910–13–M

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 71

[Airspace Docket No. 99–ACE–8]

Amendment to Class E Airspace; Springfield, MO

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Direct final rule; request for comments.

SUMMARY: This action amends Class E airspace areas at Springfield-Branson Regional Airport, Springfield, MO. A review of the Class E airspace for Springfield-Branson Regional Airport indicates it does not comply with the criteria for 700 feet Above Ground Level (AGL) airspace required for diverse departures as specified in FAA Order 7400.2D. The area is enlarged to conform to the criteria of FAA Order 7400.2D.

In addition, the name of the airport has been changed from Springfield Regional Airport to Springfield-Branson Regional Airport, the Class E airspace areas are revised to indicate a minor revision to the Airport Reference Point (ARP) coordinates, and the Springfield-Branson Regional Airport Localizer and coordinates are included in the Class E airspace designations. The intended effect of this rule is to provide additional controlled Class E airspace for aircraft operating under Instrument Flight Rules (IFR), revise the airport name, comply with the criteria of FAA Order 7400.2D, revise the ARP coordinates, and add the Springfield-Branson Regional Airport Localizer and coordinates.

DATES: Effective date: 0901 UTC, May 20, 1999.

Comments for inclusion in the Rules Docket must be received on or before March 31, 1999.

ADDRESSES: Send comments regarding the rule in triplicate to: Manager, Airspace Branch, Air Traffic Division, ACE–520, Federal Aviation Administration, Docket Number 99–ACE–8, 601 East 12th Street, Kansas City, MO 64106.

The official docket may be examined in the Office of the Regional Counsel for the Central Region at the same address between 9:00 a.m., and 3 p.m., Monday through Friday, except Federal holidays.

In an informal docket may also be examined during normal business hours in the Air Traffic Division at the same address listed above.

FOR FURTHER INFORMATION CONTACT: Kathy Randolph, Air Traffic Division, Airspace Branch, ACE–520C, Federal Aviation Administration, 601 East 12th Street, Kansas City, MO 64106; telephone: (816) 426–3408.

SUPPLEMENTARY INFORMATION: This amendment to 14 CFR 71 revises the Class E airspace at Springfield, MO. A review of the Class E airspace area for Springfield-Branson Regional Airport indicates that it does not meet the criteria for 700 feet AGL airspace required for diverse departures as specified in FAA Order 7400.2D. The criteria in FAA Order 7400.2D for an aircraft to reach 1200 feet AGL is based on a standard climb gradient of 200 feet per mile plus the distance from the ARP to the end of the outermost runway. Any fractional part of a mile is converted to the next higher tenth of a mile.

The amendment at Springfield, MO, will provide additional controlled airspace for aircraft operating under IFR, revise the airport name, comply with the criteria of FAA Order 7400.2D, revise the ARP coordinates and add the Springfield-Branson Regional Airport Localizer and coordinates. The areas will be depicted on appropriate aeronautical charts.

Class E airspace areas extending upward from the surface designated as an extension to a Class C surface area are published in paragraph 6003, and Class E airspace areas extending upward from 700 feet or more above the surface of the earth are published in paragraph 6005 of FAA Order 7400.9F, dated September 10, 1998, and effective September 16, 1998, which is incorporated by reference in 14 CFR 71.1. The Class E airspace designations listed in this document will be published subsequently in the Order.

The Direct Final Rule Procedure

The FAA anticipates that this regulation will not result in adverse or negative comment and, therefore, is issuing it as a direct final rule. Previous actions of this nature have not been controversial and have not resulted in adverse comments or objections. The amendment will enhance safety for all flight operations by designating an area where VFR pilots may anticipate the presence of IFR aircraft at lower altitudes, especially during inclement weather conditions. A greater degree of safety is achieved by depicting the area on aeronautical charts. Unless a written adverse or negative comment, or a written notice of intent to submit an adverse or negative comment is received within the comment period, the regulation will become effective on the date specified above. After the close of the comment period, the FAA will publish a document in the **Federal Register** indicating that no adverse or negative comments were received and confirming the date on which the final rule will become effective. If the FAA does receive, within the comment period, an adverse or negative comment, or written notice of intent to submit such a comment, a document withdrawing the direct final rule will be published in the **Federal Register**, and a notice of proposed rulemaking may be published with a new comment period.

Comments Invited

Although this action is in the form of a final rule and was not preceded by a notice of proposed rulemaking, 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 or withdrawn in light of the comments received. Factual information that supports the commenter's ideas and suggestions is extremely helpful in evaluating the effectiveness of this action and determining whether additional rulemaking action would be needed.

Comments are specifically invited on the overall regulatory, economic, environmental, and energy-related 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 action 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. 99–ACE–8.'' The postcard will be date stamped and returned to the commenter.

Agency Findings

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 noncontroversial and unlikely to result in adverse or negative comments. For the reasons discussed in the preamble, I certify that this regulation (1) is not a ''significant regulatory action'' under Executive Order 12866; (2) is not a ''significant rule'' under Department of Transportation (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.

List of Subjects in 14 CFR Part 71

Airspace, Incorporation by reference, Navigation (air). Adoption of the Amendment.

Accordingly, the Federal Aviation Administration amends 14 CFR part 71 as follows:

PART 71—DESIGNATION OF CLASS A, CLASS B, CLASS C, CLASS D, AND CLASS E AIRSPACE AREAS; AIRWAYS; ROUTES; AND REPORTING POINTS

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

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

§ 71.1 [Amended]

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

Paragraph 6003 Class E airspace areas extending upward from the surface designated as an extension to a Class C surface area.

* * * * *

ACE MO E3 Springfield, MO [Revised]

Springfield-Branson Regional Airport, MO
(Lat. 37°14′40″N., long. 93°23′13″W.)
Springfield VORTAC
(Lat. 37°21′22″N., long. 93°20′03″W.)

That airspace extending upward from the surface within 1.8 miles west and 2.2 miles east of the Springfield VORTAC 200° radial extending from the 5-mile radius of the Springfield-Branson Regional Airport to the VORTAC.

* * * * *

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

* * * * *

ACE MO E5 Springfield, MO [Revised]

Springfield-Branson Regional Airport, MO
(Lat. 37°14′40″N., long. 93°23′13″W.)
Springfield VORTAC
(Lat. 37°21′22″N., long. 93°20′03″W.)
Springfield-Branson Regional Localizer
(Lat. 37°15′21″N., long. 93°22′45″W.)
Willard NDB
(Lat. 37°17′58″N., long. 93°26′27″W.)

That airspace extending upward from 700 feet above the surface within a 6.7-mile radius of the Springfield-Branson Regional Airport and within 3 miles each side of the 020° radial of the Springfield VORTAC extending from the 6.7-mile radius to 8 miles north of the VORTAC and within 1.8 miles each side of the 324° bearing from the Willard NDB, extending from the 6.7 mile radius to 7 miles northwest of the NDB and within 4 miles each side of the Springfield-Branson ILS localizer south course, extending to 14.5 miles south of the airport.

* * * * *

Issued in Kansas City, MO, on January 27, 1999.

Christopher R. Blum,

Acting Manager, Air Traffic Division, Central Region.

[FR Doc. 99–4180 Filed 2–19–99; 8:45 am]

BILLING CODE 4910–13–M

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 71

[Airspace Docket No. 99–ACE–9]

Amendment to Class E Airspace; Kirksville, MO

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Direct final rule; request for comments.

SUMMARY: This action amends Class E airspace area at Kirksville Regional Airport, Kirksville, MO. A review of the Class E airspace for Kirksville Regional Airport indicates it does not comply with the criteria for 700 feet Above Ground Level (AGL) airspace required for diverse departures as specified in FAA Order 7400.2D. The area is enlarged to conform to the criteria of FAA Order 7400.2D. The intended effect of this rule is to provide additional controlled Class E airspace for aircraft operating under Instrument Flight Rules (IFR), and comply with the criteria of FAA Order 7400.2D.

DATES: Effective date: 0901 UTC, May 20, 1999.

Comments for inclusion in the Rules Docket must be received on or before March 31, 1999.

ADDRESSES: Send comments regarding the rule in triplicate to: Manager, Airspace Branch, Air Traffic Division, ACE–520, Federal Aviation Administration, Docket Number 99–ACE–9, 601 East 12th Street, Kansas City, MO 64106.

The official docket may be examined in the Office of the Regional Counsel for the Central Region at the same address between 9:00 a.m. and 3:00 p.m., Monday through Friday, except Federal holidays.

An informal docket may also be examined during normal business hours in the Air Traffic Division at the same address listed above.

FOR FURTHER INFORMATION CONTACT: Kathy Randolph, Air Traffic Division, Airspace Branch, ACE–520C, Federal Aviation Administration, 601 East 12th Street, Kansas City, MO 64106; telephone: (816) 426–3408.

SUPPLEMENTARY INFORMATION: This amendment to 14 CFR 71 revises the Class E airspace at Kirksville, MO. A review of the Class E airspace area for Kirksville Regional Airport indicates it does not meet the criteria for 700 feet AGL airspace required for diverse departures as specified in FAA Order 7400.2D. The criteria in FAA Order 7400.2D for an aircraft to reach 1200 feet AGL is based on a standard climb gradient of 200 feet per mile plus the distance from the Airport Reference Point (ARP) to the end of the outermost runway. Any fractional part of a mile is converted to the next higher tenth of a mile. The amendment at Kirksville, MO, will provide additional controlled airspace for aircraft operating under IFR, and comply with the criteria of FAA Order 7400.2D. The area will be

depicted on appropriate aeronautical charts.

Class E airspace areas extending upward from 700 feet or more above the surface of the earth are published in paragraph 6005 of FAA Order 7400.9F, dated September 10, 1998, and effective September 16, 1998, which is incorporated by reference in 14 CFR 71.1. The Class E airspace designation listed in this document will be published subsequently in the Order.

The Direct Final Rule Procedure

The FAA anticipates that this regulation will not result in adverse or negative comment and, therefore, is issuing it as a direct final order. Previous actions of this nature have not been controversial and have not resulted in adverse comments or objections. The amendment will enhance safety for all flight operations by designating an area where VFR pilots may anticipate the presence of IFR aircraft at lower altitudes, especially during inclement weather conditions. A greater degree of safety is achieved by depicting the area on aeronautical charts. Unless a written adverse or negative comment, or a written notice of intent to submit an adverse or negative comment is received within the comment period, the regulation will become effective on the date specified above. After the close of the comment period, the FAA will publish a document in the **Federal Register** indicating that no adverse or negative comments were received and confirming the date on which the final rule will become effective. If the FAA does receive, within the comment period, an adverse or negative comment, or written notice of intent to submit such a comment, a document withdrawing the direct final rule will be published in the **Federal Register**, and a notice of proposed rulemaking may be published with a new comment period.

Comments Invited

Although this action is in the form of a final rule and was not preceded by a notice of proposed rulemaking, 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 or withdrawn in light of the comments received. Factual information that supports the commenter's ideas and suggestions is extremely helpful in evaluating the effectiveness of this action and determining whether additional rulemaking action would be needed.

Comments are specifically invited on the overall regulatory, economic, environmental, and energy-related 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 action 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. 99–ACE–9.'' The postcard will be date stamped and returned to the commenter.

Agency Findings

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 noncontroversial and unlikely to result in adverse or negative comments. For the reasons discussed in the preamble, I certify that this regulation (1) is not a ''significant regulatory action'' under Executive Order 12866; (2) is not a ''significant rule'' under Department of Transportation (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.

List of Subjects in 14 CFR Part 71

Airspace, Incorporation by reference, Navigation (air). Adoption of the Amendment.

Accordingly, the Federal Aviation Administration amends 14 CFR part 71 as follows:

PART 71—DESIGNATION OF CLASS A, CLASS B, CLASS C, CLASS D, AND CLASS E AIRSPACE AREAS; AIRWAYS; ROUTES; AND REPORTING POINTS

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

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

§ 71.1 [Amended]

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

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

* * * * *

ACE MO E5 Kirksville, MO [Revised]

Kirksville Regional Airport, MO
(lat. 40°05′37″N., long. 92°32′42″W.)
Kirksville VORTAC
(lat. 40°08′06″N., long. 92°35′30″W.)

That airspace extending upward from 700 feet above the surface within a 6.6-mile radius of the Kirksville Regional Airport and within 2.6 miles each side of the 320° radial of the Kirksville VORTAC extending from the 6.6-mile radius to 7 miles northwest of the VORTAC, and within 4.4 miles each side of the 180° bearing from the Kirksville Regional Airport extending from the 6.6 mile radius to 11.8 miles south of the airport.

* * * * *

Issued in Kansas City, MO, on January 27, 1999.

Christopher R. Blum,

Acting Manager, Air Traffic Division, Central Region.

[FR Doc. 99–4179 Filed 2–19–99; 8:45 am]

BILLING CODE 4910–13–M

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 71

[Airspace Docket No. 98–ACE–57]

Amendment to Class E Airspace; Fort Madison, IA

AGENCY: Federal Aviation Administration, DOT.

ACTION: Direct final rule; confirmation of effective date.

SUMMARY: This document confirms the effective date of a direct final rule which revises Class E airspace at Fort Madison, IA.

DATES: The direct final rule published at 64 FR 11 is effective on 0901 UTC, March 25, 1999.

FOR FURTHER INFORMATION CONTACT: Kathy Randolph, Air Traffic Division, Airspace Branch, ACE–520C, Federal Aviation Administration, 601 East 12th Street, Kansas City, Missouri 64106; telephone: (816) 426–3408.

SUPPLEMENTARY INFORMATION: The FAA published this direct final rule with a request for comments in the **Federal Register** on January 4, 1999 (64 FR 11). The FAA uses the direct final rulemaking procedure for a non-controversial rule where the FAA believes that there will be no adverse public comment. This direct final rule advised the public that no adverse comments were anticipated, and that unless a written adverse comment, or a written notice of intent to submit such an adverse comment, were received within the comment period, the regulation would become effective on March 25, 1999. No adverse comments were received, and thus this notice confirms that this direct final rule will become effective on that date.

Issued in Kansas City, MO on February 4, 1999.

Herman J. Lyons, Jr.,

Manager, Air Traffic Division, Central Region.

[FR Doc. 99–4178 Filed 2–19–99; 8:45 am]

BILLING CODE 4910–13–M

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 71

[Airspace Docket No. 98–ACE–58]

Amendment to Class E Airspace; Dubuque, IA

AGENCY: Federal Aviation Administration, DOT.

ACTION: Direct final rule; confirmation of effective date.

SUMMARY: This document confirms the effective date of a direct final rule which revises Class E airspace at Dubuque, IA.

DATE: The direct final rule published at 64 FR 8 is effective on 0901 UTC, March 25, 1999.

FOR FURTHER INFORMATION CONTACT: Kathy Randolph, Air Traffic Division, Airspace Branch, ACE–502C, Federal Aviation Administration, 601 East 12th Street, Kansas City, Missouri 64106; telephone: (816) 426–3408.

SUPPLEMENTARY INFORMATION: The FAA published this direct final rule with a request for comments in the **Federal Register** on January 4, 1999 (64 FR 8). The FAA uses the direct final rulemaking procedure for a non-controversial rule where the FAA believes that there will be no adverse public comment. This direct final rule advised the public that no adverse comments were anticipated, and that unless a written adverse comment, or a written notice of intent to submit such an adverse comment, were received within the comment period, the regulation would become effective on March 25, 1999. No adverse comments were received, and thus this notice confirms that this direct final rule will become effective on that date.

Issued in Kansas City, MO on February 4, 1999.

Herman J. Lyons,

Manager, Air Traffic Division, Central Region.

[FR Doc. 99–4177 Filed 1–19–99; 8:45 am]

BILLING CODE 4910–13–M

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 71

[Airspace Docket No. 99–ACE–5]

Amendment to Class E Airspace; El Dorado, KS

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Direct final rule; request for comments.

SUMMARY: This action amends the Class E airspace area at Captain Jack Thomas/El Dorado Airport, El Dorado, KS. The FAA has developed Global Positioning System (GPS) Runway (RWY), 4 GPS RWY 15, GPS RWY 22, GPS RWY 33, and Nondirectional Radio Beacon (NDB) RWY 4 Standard Instrument Approach Procedures (SIAPs) to serve Captain Jack Thomas/El Dorado Airport, KS. Additional controlled airspace extending upward from 700 feet Above Ground Level (AGL) is needed to accommodate these SIAPs and for Instrumental Flight Rules (IFR) operations at this airport. The enlarged area will contain the new GPS RWY 4, GPS RWY 15, GPS RWY 22, GPS RWY 33, and NDB RWY 4 SIAPs in controlled airspace.

In addition, a minor revision to the Airport Reference Point (ARP) geographic coordinates for the Captain Jack Thomas/El Dorado Airport is included in this document. The intended effect of this rule is to provide controlled Class E airspace for aircraft executing the GPS RWY 4, GPS RWY 15, GPS RWY 22, GPS RWY 33, and NDB RWY 4 SIAPs, revise the ARP coordinates for the Captain Jack Thomas/El Dorado Airport, and to segregate aircraft using instrument approach procedures in instrument conditions from aircraft operating in visual conditions.

DATES: This direct final rule is effective on 0901 UTC, May 20, 1999.

Comments for inclusion in the Rules Docket must be received on or before April 1, 1999.

ADDRESSES: Send comments regarding the rule in triplicate to: Manager, Airspace Branch, Air Traffic Division, ACE–520, Federal Aviation Administration, Docket Number 99–ACE–5, 601 East 12th Street, Kansas City, MO 64106.

The official docket may be examined in the Office of the Regional Counsel for the Central Region at the same address between 9:00 a.m. and 3:00 p.m., Monday through Friday, except Federal holidays.

An informal docket may also be examined during normal business hours in the Air Traffic Division at the same address listed above.

FOR FURTHER INFORMATION CONTACT: Kathy Randolph, Air Traffic Division, Airspace Branch, ACE–520C, Federal Aviation Administration, 601 East 12th Street, Kansas City, MO 64106; telephone: (816) 426–3408.

SUPPLEMENTARY INFORMATION: The FAA has developed GPS RWY 4, GPS RWY 15, GPS RWY 22, GPS RWY 33, and NDB RWY 4 SIAPs to serve the Captain Jack Thomas/El Dorado Airport, El Dorado, KS. In addition, the Class E airspace includes a minor revision to the geographic coordinates for the Captain Jack Thomas/El Dorado Airport ARP. The amendment to Class E airspace at El Dorado, KS, will provide additional controlled airspace at and above 700 feet AGL in order to contain the new SIAPs within controlled airspace, and thereby facilitate separation of aircraft operating under Instrument Flight Rules. The area will be depicted on appropriate aeronautical charts. Class E airspace areas extending upward from 700 feet or more above the surface of the earth are published in paragraph 6005 of FAA Order 7400.9F, dated September 10, 1998, and effective September 16, 1998, which is incorporated by reference in 14 CFR 71.1. The Class E airspace designation listed in this document will be published subsequently in the Order.

The Direct Final Rule Procedure

The FAA anticipates that this regulation will not result in adverse or negative comment and, therefore, is issuing it as a direct final rule. Previous

actions of this nature have not been controversial and have not resulted in adverse comments or objections. The amendment will enhance safety for all flight operations by designating an area where VFR pilots may anticipate the presence of IFR aircraft at lower altitudes, especially during inclement weather conditions. A greater degree of safety is achieved by depicting the area on aeronautical charts. Unless a written adverse or negative comment, or a written notice of intent to submit an adverse or negative comment is received within the comment period, the regulation will become effective on the date specified above. After the close of the comment period, the FAA will publish a document in the **Federal Register** indicating that no adverse or negative comments were received and confirming the date on which the final rule will become effective. If the FAA does receive, within the comment period, an adverse or negative comment, or written notice of intent to submit such a comment, a document withdrawing the direct final rule will be published in the **Federal Register**, and a notice of proposed rulemaking may be published with a new comment period.

Comments Invited

Although this action is in the form of a final rule and was not preceded by a notice of proposed rulemaking, 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 or withdrawn in light of the comments received. Factual information that supports the commenter's ideas and suggestions is extremely helpful in evaluating the effectiveness of this action and determining whether additional rulemaking action would be needed.

Comments are specifically invited on the overall regulatory, economic, environmental, and energy-related 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 action will be filed in the Rules Docket.

Comments 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. 99–ACE–5.'' The postcard will be date stamped and returned to the commenter.

Agency Findings

The regulations adopted herein 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 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 noncontroversial and unlikely to result in adverse or negative comments. For the reasons discussed in the preamble, I certify that this regulation (1) is not a ''significant regulatory action'' under Executive Order 12866; (2) is not a ''significant rule'' under Department of Transportation (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.

List of Subjects in 14 CFR Part 71

Airspace, Incorporation by reference, Navigation (air).

Adoption of the Amendment

Accordingly, the Federal Aviation Administration amends 14 CFR part 71 as follows:

PART 71—DESIGNATION OF CLASS A, CLASS B, CLASS C, CLASS D, AND CLASS E AIRSPACE AREAS; AIRWAYS; ROUTES; AND REPORTING POINTS

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

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

§ 71.1 [Amended]

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

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

* * * * *

ACE KS E5 El Dorado, KS [Revised]

Captain Jack Thomas/El Dorado Airport, KS
(Lat. 37°46′27″N., long. 96°49′03″W.)
El Dorado NDB
(Lat. 37°46′46″N., long. 96°48′59″W.)

That airspace extending upward from 700 feet above the surface within a 6.4-mile radius of Captain Jack Thomas/El Dorado Airport and within 2.5 miles each side of the 218° bearing from the El Dorado NDB extending from the 64.-mile radius to 7 miles south of the airport.

* * * * *

Issued in Kansas City, MO, on February 4, 1999.

Herman J. Lyons, Jr.,

Manager, Air Traffic Division, Central Region.

[FR Doc. 99–4176 Filed 2–19–99; 8:45 am]

BILLING CODE 4910–13–M

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 71

[Airspace Docket No. 99–ACE–6]

Amendment to Class E Airspace; Boonville, MO

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Direct final rule; request for comments.

SUMMARY: This action amends Class E airspace area at Jesse Viertel Memorial Airport, Boonville, MO. A review of the Class E airspace area for Jesse Viertel Memorial Airport indicates it does not comply with the criteria for 700 feet Above Ground Level (AGL) airspace required for diverse departures as specified in FAA Order 7400.2D. The Class E airspace has been enlarged to conform to the criteria of FAA Order 7400.2D. The intended effect of this rule is to provide additional controlled Class E airspace for aircraft operating under Instrument Flight Rules (IFR), and comply with the criteria of FAA Order 7400.2D.

DATES: Effective date: 0901 UTC, May 20, 1999.

Comments for inclusion in the Rules Docket must be received on or before April 1, 1999.

ADDRESSES: Send comments regarding the rule in triplicate to: Manager, Airspace Branch, Air Traffic Division, ACE–520, Federal Aviation Administration, Docket Number 99–

ACE–6, 601 East 12th Street, Kansas City, MO 64106.

The official docket may be examined in the Office of the Regional Counsel for the Central Region at the same address between 9:00 a.m., and 3:00 p.m., Monday through Friday, except Federal holidays.

An informal docket may also be examined during normal business hours in the Air Traffic Division at the same address listed above.

FOR FURTHER INFORMATION CONTACT: Kathy Randolph, Air Traffic Division, Airspace Branch, ACE–520C, Federal Aviation Administration, 601 East 12th Street, Kansas City, MO 64106; telephone: (816) 426–3408.

SUPPLEMENTARY INFORMATION: This amendment to 14 CFR 71 revises the Class E airspace at Boonville, MO. A review of the Class E airspace for Jesse Viertel Memorial Airport indicates it does not meet the criteria for 700 feet AGL airspace required for diverse departures as specified in FAA Order 7400.2D. The criteria in FAA Order 7400.2D for an aircraft to reach 1200 feet AGL is based on a standard climb gradient of 200 feet per mile plus the distance from the ARP to the end of the outermost runway. Any fractional part of a mile is converted to the next higher tenth of a mile. The amendment at Jesse Viertel Memorial Airport, MO, will provide additional controlled airspace for aircraft operating under IFR, and comply with the criteria of FAA Order 7400.2D. The area will be depicted on appropriate aeronautical charts. Class E airspace areas extending upward from 700 feet or more above the surface of the earth are published in paragraph 6005 of FAA Order 7400.9F, dated September 10, 1998, and effective September 16, 1998, which is incorporated by reference in 14 CFR 71.1. The Class E airspace designation listed in this document will be published subsequently in the Order.

The Direct Final Rule Procedure

The FAA anticipates that this regulation will not result in adverse or negative comment and, therefore, is issuing it as a direct final rule. Previous actions of this nature have not been controversial and have not resulted in adverse comments or objections. The amendment will enhance safety for all flight operations by designating an area where VFR pilots may anticipate the presence of IFR aircraft at lower altitudes, especially during inclement weather conditions. A greater degree of safety is achieved by depicting the area on aeronautical charts. Unless a written adverse or negative comment, or a written notice of intent to submit an adverse or negative comment is received within the comment period, the regulation will become effective on the date specified above. After the close of the comment period, the FAA will publish a document in the **Federal Register** indicating that no adverse or negative comments were received and confirming the date on which the final rule will become effective. If the FAA does receive, within the comment period, an adverse or negative comment, or written notice of intent to submit such a comment, a document withdrawing the direct final rule will be published in the **Federal Register**, and a notice of proposed rulemaking may be published with a new comment period.

Comments Invited

Although this action is in the form of a final rule and was not preceded by a notice of proposed rulemaking, 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 or withdrawn in light of the comments received. Factual information that supports the commenter's ideas and suggestions is extremely helpful in evaluating the effectiveness of this action and determining whether additional rulemaking action would be needed.

Comments are specifically invited on the overall regulatory, economic, environmental, and energy-related 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 action 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. 99–ACE–6.'' The postcard will be date stamped and returned to the commenter.

Agency Findings

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 noncontroversial and unlikely to result in adverse or negative comments. For the reasons discussed in the preamble, I certify that this regulation: (1) Is not a ''significant regulatory action'' under Executive Order 12866; (2) is not a ''significant rule'' under Department of Transportation (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.

List of Subjects in 14 CFR Part 71

Airspace, Incorporation by reference, Navigation (air).

Adoption of the Amendment

Accordingly, the Federal Aviation Administration amends 14 CFR part 71 as follows:

PART 71—DESIGNATION OF CLASS A, CLASS B, CLASS C, CLASS D, AND CLASS E AIRSPACE AREAS; AIRWAYS; ROUTES; AND REPORTING POINTS

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

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

§ 71.1 [Amended]

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

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

* * * * *

ACE MO E5 Boonville, MO [Revised]

Jesse Viertel Memorial Airport, MO
(Lat. 38°56′45″N., long. 92°40′58″W.)
Viertel NDB
(Lat. 38°57′03″N., long. 92°41′22″W.)

That airspace extending upward from 700 feet above the surface within a 6.3-mile radius of Jesse Viertel Memorial Airport and within 2.6 miles each side of the 012° bearing from the Viertel NDB extending from the 6.3-

mile radius to 7 miles north of the airport and within 3.5 miles each side of the 069° bearing from the Viertel NDB extending from the 6.3-mile radius to 9 miles northeast of the airport.

Issued in Kansas City, MO, on February 4, 1999.

Herman J. Lyons, Jr.,

Manager, Air Traffic Division, Central Region.

[FR Doc. 99–4175 Filed 2–19–99; 8:45 am]

BILLING CODE 4910–13–M

DEPARTMENT OF THE INTERIOR

Office of Surface Mining Reclamation and Enforcement

30 CFR Part 902

[AK–007–FOR, Amendment No. VII]

Alaska Regulatory Program

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

ACTION: Final rule; approval of amendment.

SUMMARY: The Office of Surface Mining Reclamation and Enforcement (OSM) is approving a proposed amendment to the Alaska regulatory program (hereinafter, the ''Alaska program'') under the Surface Mining Control and Reclamation Act of 1977 (SMCRA). Alaska proposed revisions to its regulations pertaining to general permitting requirements, general permit application information requirements, environmental resource information requirements, reclamation and operation plan requirements, permitting for special categories of mining, coal exploration, self-bonding requirements, performance standards, and general provisions, and included numerous editorial and recodification changes. The amendment was intended to revise the Alaska program to provide additional safeguarded, to clarify ambiguities, and to improve operational efficiency.

EFFECTIVE DATE: February 22, 1999.

FOR FURTHER INFORMATION CONTACT: James F. Fulton, Telephone: (303) 844–1424, Internet address: JFULTON@OSMRE.GOV.

SUPPLEMENTARY INFORMATION:

I. Background on the Alaska Program

On March 23, 1983, the Secretary of the Interior conditionally approved the Alaska program. General background information on the Alaska program, including the Secretary's findings, the disposition of comments, and conditions of approval of the Alaska program can be found in the March 23, 1983, **Federal Register** (48 FR 12274). Subsequent actions concerning Alaska's program and program amendments can be found at 30 CFR 902.15 and 902.16.

II. Proposed Amendment

By letter dated July 30, 1998, Alaska submitted a proposed amendment to its program (amendment No. VII, administrative record No. AK–07–01) pursuant to SMCRA (30 U.S.C. 1201 *et seq.*). Alaska submitted the proposed amendment at its own initiative. The provisions of the Alaska Surface Coal Mining Program Regulations that Alaska proposed to revise were: 11 Alaska Administrative Code (AAC) 90.002(a), (b), and (c), responsibilities, and 11 AAC 90.011(a)(1) and (2), permit fees, as provided in Article 2, General Permitting Requirements; 11 AAC 90.025(a)(2), (b), and (c), authority to enter and ownership information, as provided in Article 3, General permit Application Information Requirements; 11 AAC 90.045(a)(1) and (2), geology description, and 11 AAC 90.049(a), (a)(1), (2), and (a)(2)(C) through (H), surface water information, as provided in Article 4, Environmental Resource Information Requirements; 11 AAC 90.083(b)(9) and (11), reclamation plan general requirements, and 11 AAC 90.097, transportation facilities, as provided in Article 5, Reclamation and Operation Plan; 11 AAC 90.149(d) and (d)(1), operations near alluvial valley floors, as provided in Article 7, Permitting for Special Categories of Mining; 11 AAC 90.163(a) and (d), exploration that substantially disturbs the natural land surface or occurs in an area designated unsuitable for surface coal mining, as provided in Article 8, Exploration; 11 AAC 90.207(f), self-bonding requirements, as provided in Article 10, Bonding; 11 AAC 90.337(f), impoundment inspection, 11 AAC 90.375(f), public notice of blasting, 11 AAC 90.391(h)(1) and (2) and (s), disposal of excess spoil and coal mine waste, 11 AAC 90.401(e), coal mine waste, refuse piles, 11 AAC 90.407(e), coal mine waste, dams and embankments, 11 AAC 90.423(b) and (h), protection of fish and wildlife, 11 AAC 90.443(d)(1), (k), and (k)(1) and (2), backfilling and grading, and 11 AAC 90.491(e), (f), and (f)(1) and (2), construction and maintenance of roads, transportation and support facilities, and utility installations, as provided in Article 11, Performance Standards; and 11 AAC 90.901(e), applicability, 11 AAC 90.907(c) and (j), public participation, and 11 AAC 90.911(92), definition of ''road,'' as provided in Article 17, General Provisions.

Specifically, Alaska proposed numerous editorial and recodification changes for the purpose of clarity and in order to be consistent with the requirements of the State's ''Drafting Manual for Administrative Regulations'' (1995 edition). Alaska also proposed at 11 AAC 90.049(a)(2)(G) to require that water quality data show acidity information if there is potential for acid drainage from the proposed mining operation, and at 11 AAC 90.207(f)(2) to apply certain provisions for self-bonding, including criteria that must be met by the self-bond guarantor.

OSM announced receipt of the proposed amendment in the August 11, 1998, **Federal Register** (63 FR 42774), provided an opportunity for a public hearing or meeting on its substantive adequacy, and invited public comment on its adequacy (administrative record No. AK–07–02). Because no one requested a public hearing or meeting, none was held. The public comment period ended on September 10, 1998.

III. Director's Findings

As discussed below, the Director, in accordance with SMCRA and 30 CFR 732.15 and 732.17, finds that the proposed program amendment submitted by Alaska on July 30, 1998, is no less effective than the corresponding Federal regulations. Accordingly, the Director approves the proposed amendment.

1. Nonsubstantive Revisions to Alaska's Surface Coal Mining Program Regulations

Alaska proposed revisions to the following previously-approved provisions of the Alaska surface coal mining program regulations that are nonsubstantive in nature. These proposed revisions consist of recodification and/or wording changes made to reflect contemporary writing style and/or make the State's provisions clearer or more specific. The corresponding Federal regulation provisions are listed in parentheses.

11 Alaska Administrative Code (AAC) 90.002(a), (b), and (c), responsibilities under general permitting requirements (30 CFR Part 772 and 773.11);

11 AAC 90.011 (1) and (2), permit fees (30 CFR 777.17);

11 AAC 90.025(a)(2), (b), and (c), authority to enter and ownership information (30 CFR 778.13(h) and 778.15(a) and (b));

11 AAC 90.045(a)(1) and (2), geology description (30 CFR 780.22(b)(1));

11 AAC 90.049(a)(1), (2), (2)(C), (D), (F), and (H), surface water information (30 CFR 780.21(b)(2) and 784.14(b)(2));

11 AAC 90.083(b)(9) and (11), reclamation plan general requirements (30 CFR 780.18(b)(9), 780.29, 784.13(b)(9), and 784.29);

11 AAC 90.097, transportation facilities (30 CFR 780.37(a), (a)(1), (3), and (5) and 784.24(a), (a)(1), (3), and (5));

11 AAC 90.149(d) and (d)(1), operations near alluvial valley floors (30 CFR 785.19(d), (d)(2), and (2)(i));

11 AAC 90.163(a) and (d), exploration that substantially disturbs the natural land surface or occurs in an area designated unsuitable for surface coal mining (30 CFR 772.12(a), (d)(2) and 772.13);

11 AAC 90.207(f)(1), (1)(A), (A)(i) and (ii), (B), (B)(i), (ii), and (iii), (C) and (C)(i), self-bonding (30 CFR 800.23(b)(1) through (3));

11 AAC 90.375(f), public notice of blasting (30 CFR 816.64(b)(1) and (2));

11 AAC 90.391(h)(1) and (2), and (s), disposal of excess spoil and coal mine waste (30 CFR 816.71(g) and (i) and 817.71(g) and (i));

11 AAC 90.401(e), coal mine waste, refuse piles (placement) (30 CFR 816.83(c)(4) and 817.83(c)(4));

11 AAC 90.407(e), coal mine waste, dams and embankments (impounding structures) (30 CFR 816.84(b)(2) and 817.84(b)(2));

11 AAC 90.423(b) and (h), protection of fish and wildlife (endangered and threatened species, Fish and Wildlife Service Review) (30 CFR 816.97(b) and 817.97(b), and 780.16(c) and 784.21(c));

11 AAC 90.443(d)(1), backfilling and grading (previously mined areas) (30 CFR 816.106(b)(1) and 817.106(b)(1));

11 AAC 90.491(e) and (f), (f)(1), (2), and (2)(A) through (H), construction and maintenance of roads, transportation and support facilities, and utility installations (30 CFR 816.150(d) and (a)(2) and 816.151(a), (b), (c)(1) and (2), (d)(1) through (4), and (e), and 817.150(d) and (a)(2) and 816.151(a), (b), (c)(1) and (2), (d)(1) through (4), and (e));

11 AAC 90.901(e), applicability (30 CFR 700.11(d)(1), (1)(ii), and (2));

11 AAC 90.907(c) and (j), recodification, and public participation (availability of records) (30 CFR 840.14(c)(2) and (b)); and

11 AAC 90.911(92), definition of ''road'' (30 CFR 701.5.

Because the proposed revisions to these previously-approved regulations are nonsubstantive, the Director finds that these proposed Alaska regulations are consistent with the counterpart Federal regulations. The Director approves these proposed regulations.

2. Substantive Revisions to Alaska's Surface Coal Mining Program Regulations That Are Substantively Identical to the Corresponding Provisions of the Federal Regulations

Alaska proposed revisions to the following regulations that are substantive and contain language that is substantively identical to the requirements of the corresponding Federal regulations (listed in parentheses):

11 AAC 90.049(a)(2)(E) and (G), surface water information (30 CFR 780.21(b)(2) and 784.14(b)(2)); and

11 AAC 90.207(f)(4), (5), (5)(A), (B), (C), and (D), (6), (7), and (7)(A) and (B); self-bonding (30 CFR 800.23(d), (e)(1) through (4), (f), and (g)).

Because these proposed Alaska regulations are substantively identical to the corresponding provisions of the Federal regulations, the Director finds that they are no less effective than the Federal regulations. Accordingly, the Director approves them.

3. 11 AAC 90.207(f)(2)(A) and (B), Self-bonding and the Written Guarantee From a Parent Corporation Guarantor of the Permittee

Alaska proposed to revise its regulation at AAC 90.207(f)(2) which sets out the conditions under which the State may accept a written guarantee from a parent corporation guarantor of the permittee. Alaska proposed to add a condition for accepting a parent corporation guarantee that is not found in the Federal regulations. This additional proposed condition clarifies that the guarantor has a duty to notify the permittee if it no longer qualifies for self-bonding. Imposing this notification requirement on the guarantor supports and facilitates the regulatory requirement at AAC 90.207(f)(7) that requires the permittee to immediately notify the commissioner if the permittee or the guarantor no longer meets the qualifications for self-bonding.

For this reason, the Director finds that proposed AAC 90.207(f)(2) is not inconsistent with conditions imposed on prospective guarantors in the counterpart Federal regulation at 30 CFR 800.23(c)(1). Therefore, the Director finds that proposed AAC 90.207(f)(2) is no less effective than the counterpart Federal regulation at 30 CFR 800.23(c)(1) and approves it.

4. 11 AAC 90.207(f)(3)(A) and (B) and (f)(8)(A) Through (H), Definitions for the Term ''Self-bond'' and Other Financial Terms Used to Describe Self Bonds

On September 17, 1996, OSM at 30 CFR 902.16(b)(1) (finding No. 6, 61 FR 48835, 48837) required Alaska to revise 11 AAC 90.207(f)(3) to require the applicant for a self-bond that is guaranteed by a corporate guarantor to retain his or her own agent for service in Alaska and to further revise 11 AAC 90.207(f) to add definitions for the term ''self-bond'' and other financial terms used to describe self bonds.

In response to the required amendment, Alaska revised 11 AAC 90.207(f)(3) by referencing as a condition for acceptance by the Commissioner of the Department of Natural Resources the requirement that the applicant for a self-bond that is guaranteed by a corporate guarantor retain an agent for service in Alaska. The proposed revision is consistent with the counterpart Federal regulation at 30 CFR 800.23(c)(2), which provides the specific criteria for approval of a self-bond guaranteed by a corporate guarantor.

In addition, Alaska proposed new regulations at 11 AAC 90.207(f)(8)(A) through (H) that provide definitions of the terms ''self-bond,'' ''current assets,'' ''current liabilities,'' ''fixed assets,'' ''liabilities,'' ''net worth,'' ''parent corporation,'' and ''tangible net worth.'' The proposed definitions contain language that is substantively identical to the requirements of the corresponding Federal regulations at 30 CFR 800.5 and 800.23(a).

For the above reasons, the Director finds that the proposed revisions at 11 AAC 90.207(f)(3) and (8) are no less effective than the counterpart Federal regulations. Accordingly, the Director approves the proposed revisions to this regulation.

5. 11 AAC 90.337(f), Impoundment Inspection

Alaska proposed at 11 AAC 90.337(f) new language that requires, in addition to the formal inspections required under paragraphs (a) through (e) of section 11 AAC 90.337, that ''each impoundment'' must be examined at least ''once in each three-month period,'' that ''the examination must be made'' by a qualified person, and that ''the person making the examination required by this subsection shall examine the impoundment'' for any appearances of structural weakness ''and for'' other hazardous conditions.

The Federal regulations at 30 CFR 816.49 (a)(12) and 817.49(a)(12) require, in pertinent part, that impoundments not meeting the SCS (Soil Conservation Service, now Natural Resources Conservation Service) class B or C criteria for dams in TR–60 (Technical Release No. 60, ''Earth Dams and Reservoirs,'' 210–VI–TR60, October

1985), or subject to 30 CFR 77.216–3, shall be examined at least quarterly. Alaska's proposed revision at 11 AAC 90.337(f) requires ''each impoundment'' to be examined quarterly, whether or not the impoundment meets the established NRCS criteria, which results in a more stringent standard in Alaska's coal mining regulatory program than is provided for in the counterpart Federal regulations at 30 CFR 816.49(a)(12) and 817.14(a)(12). 30 CFR 730.11(b) provides, in pertinent part, that any State law or regulation which provides for more stringent land use and environmental controls and regulations of coal exploration and surface coal mining and reclamation operations than do the provisions of SMCRA and Chapter VII of the implementing Federal regulations, shall not be construed to be inconsistent with SMCRA or Chapter VII. Therefore, the Director finds that 11 AAC 90.337(f) is no less effective than the Federal regulations and approves the proposed revisions to Alaska's regulation.

6. 11 AAC 90.443(k), Backfilling and Grading

Alaska proposed new language at 11 AAC 90.443(k) to provide that ''the operator shall return all spoil to the mined-out area,'' and to provide that ''the requirements of this subsection [(k)] do not apply to (1) spoil disposed of in accordance with 11 AAC 90.391, and (2) spoil necessary to blend regraded areas into the surrounding terrain in non-steep slope areas if all vegetative and organic material is first removed from the areas that are to be covered.'' The counterpart Federal regulations at 30 CFR 816.102(b) and 817.102(b) provide that spoil, except excess spoil disposed of in accordance with 30 CFR 816.71 through 816.74 and 817.71 and 817.74, respectively, shall be returned to the mined-out area. In addition, 30 CFR 186.102(d) and 187.102(d) provide that spoil may be placed on the area outside the mined-out area in nonsteep slope areas to restore the appropriate original contour by blending the spoil into the surrounding terrain if certain requirements are met including removal of all vegetative and organic material, removal, segregation, storage, and redistribution of topsoil, and backfilling and grading of the spoil in accordance with the requirements of 30 CFR 816.102 and 817.102.

The Director, in finding No. 14 of the final rule **Federal Register** notice approving Alaska's amendment No. IV (see 61 FR 48835, 48839, 48843, September 17, 1996), placed a required amendment on the Alaska program at 30 CFR 902.16(b)(7). In effect, the Director required Alaska to revise 11 AAC 90.443(k) to provide that the topsoil on the area outside the mined-out area in nonsteep slope areas shall be removed, segregated, stored and redistributed in accordance with the State's topsoil removal provisions and that the spoil be backfilled and graded on the area in accordance with the State's provisions concerning performance standards for backfilling and grading, or otherwise amend its program to ensure that the disposal of spoil provisions at 11 AAC 90.443(k) are no less effective than the Federal regulations at 30 CFR 816.102(d) and 817.102(d). The changes proposed by Alaska at 11 AAC 90.443(k) in this amendment (amendment No. VII) do not address the Director's requirement. To the extent that Alaska is proposing editorial changes in this regulation to reflect contemporary writing style, to be consistent with the State's requirements for writing regulatory language, and to make the State's provisions clearer or more specific, the Director finds that 11 AAC 90.443(k) is consistent with the Federal regulations. The Director approves this revised regulation, but adds a reminder that the State must further amend this provision as required at 30 CFR 902.16(b)(7).

7. 11 AAC 90.491(f), Construction and Maintenance of Primary Roads

In finding No. 1, the Director approved Alaska's proposed revisions at 11 AAC 90.491(f), (f)(1), (2), and (2)(A) through (H) because the changes were editorial and/or recodification. A separate finding for 11 AAC 90.491(f) is provided in this final rule document because Alaska's regulation still lacks provisions similar to those provided by the Federal regulations at 30 CFR 816.151(d)(5) and (6) and 817.151(d)(5) and (6). These regulations require for primary roads (1) that natural stream channels shall not be altered or relocated without prior approval of the regulatory authority and (2) except as provided in 30 CFR 816.151(c)(2), structures for perennial or intermittent stream channel crossings shall be made using bridges, culverts, low-water crossings, or other structures designed, constructed, and maintained using current, prudent engineering practices, and that the regulatory authority shall ensure that low-water crossings are designed, constructed, and maintained to prevent erosion of the structure or streambed and additional contributions of suspended solids to streamflow.

The Director, in finding No. 15 of the final rule **Federal Register** notice approving Alaska's amendment No. IV (see 61 FR 48835, 48840, 48843, September 17, 1996), placed a required amendment on the Alaska program at 30 CFR 902.16(b)(8). In effect, the Director required Alaska to revise 11 AAC 90.491(f) to add provisions concerning fords of perennial or intermittent streams, the alteration or relocation of natural stream channels, and structures for perennial or intermittent stream channel crossings that are no less effective than 30 CFR 816.151(d)(5) and (6) and 817.151(d)(5) and (6). The Director is taking this opportunity to correct the required amendment at 30 CFR 902.16(b)(8) to remove the requirement for language in Alaska's regulation at 11 AAC 90.491(f) concerning fords of perennial or intermittent streams because the State's regulation at 11 AAC 90.491(f)(2)(C) does provide that the road ''may not use stream fords to cross perennial or intermittent streams unless the use of a stream ford has been approved by the commissioner for temporary use during road construction.'' This regulation is no less effective than the Federal counterpart regulations at 30 CFR 816.151(c)(2) and 817.151(c)(2). The Director, however, reminds Alaska that, as codified by the corrected required program at 30 CFR 902.16(b)(8), it must further amend 11 AAC 90.491(f) to provide for natural stream channels alterations or relocations and structures for perennial or intermittent stream channel crossings that are no less effective than 30 CFR 816.151(d)(5) and (6) and 817.151(d)(5).

IV. Summary and Disposition of Comments

Following are summaries of all substantive written comments on the proposed amendment that were received by OSM, and OSM's responses to them.

1. Public Comments

OSM invited public comments on the proposed amendment, but none were received.

2. Federal Agency Comments

Pursuant to 30 CFR 732.17(h)(11)(i), OSM solicited comments on the proposed amendment from various Federal agencies with an actual or potential interest in the Alaska program.

The Bureau of Land Management, Alaska State Office (AK–BLM), responded in a memorandum dated August 20, 1998 (administrative record No. AK–07–05), that the changes proposed by Alaska were minor and amounted to restructuring sentences for the purpose of clarification, and that no changes to the regulatory meaning

appeared to have been instituted. BLM offered an editorial query concerning 11 AAC 90.207(f)(2) and the phrase ''not longer satisfied.''

OSM agrees with BLM's editorial comment, and with this final rule document is notifying Alaska of the typographical error. The Director is approving the language at 11 AAC 90.207(f)(2) as provided in finding No. 2 above because the meaning of the requirement that the guarantor notify the permittee and the commissioner if its financial conditions change so that certain criteria are no longer met is not altered whether those criteria are ''not longer satisfied'' or ''no longer satisfied.''

3. Environmental Protection Agency (EPA) Concurrence and Comments

Pursuant to 30 CFR 732.17(h)(11)(ii), OSM is required to solicit the written concurrence of EPA with respect to those provisions of the proposed amendment that relate to air or water quality standards promulgated under the authority of the Clean Water Act (33 U.S.C. 1251 *et seq.*) or the Clean Air Act (42 U.S.C. 7401 *et seq.*).

Pursuant to 30 CFR 732.17(h)(11)(i), OSM solicited comments on the proposed amendment from EPA (administrative record No. AK–07–03). EPA did not respond to OSM's request.

4. State Historic Preservation Officer (SHPO) and the Advisory Council on Historic Preservation (ACHP)

Pursuant to 30 CFR 732.17(h)(4), OSM solicited comments on the proposed amendment from the SHPO and ACHP (administrative record No. AK–07–03). Neither SHPO nor ACHP responded to OSM's request.

V. Director's Decision

Based on the above findings, the Director approves Alaska's proposed amendment as submitted on July 30, 1998.

The Director approves, as discussed in:

Finding No. 1, 11 AAA 90.002(a), (b), and (c), 11 AAC 90.011(1) and (2), 11 AAC 90.025(a)(2), (b), and (c), 11 AAC 90.045(a)(1) and (2), 11 AAC 90.049(a)(1), (2) (2)(C), (D), (F), and (H), 11 AAC 90.083(b)(9) and (11), 11 AAC 90.097, 11 AAC 90.149(d) and (d)(1), 11 AAC 90.163(a) and (d), 11 AAC 90.207(f)(1), (1)(A), (A)(i) and (ii), (B), (B)(i), (ii), and (iii), (C) and (C)(i), 11 AAC 90.375(f), 11 AAC 90.391(h)(1) and (2) and (s), 11 AAC 90.401(e), 11 AAC 90.407(e), 11 AAC 90.423(b) and (h), 11 AAC 90.443(d)(1), 11 AAC 90.491(e) and (f), (f)(1), (2), and (2)(A) through (H), 11 AAC 90.901(e), 11 AAC 90.907(c) and (j), and 11 AAC 90.911(92), concerning previously-approved provisions of the Alaska surface coal mining program regulations that contain revisions that are nonsubstantive in nature;

Finding No. 2, 11 AAC 90.049(a)(2)(E) and (G), and 11 AAC 90.207(f)(4), (5), (5)(A), (B), (C), and (D), (6), (7), and (7)(A) and (B), provisions of the Alaska surface coal mining program regulations that contain substantive revisions that are substantively identical to the requirements of the corresponding Federal regulations;

Finding No. 3, 11 AAC 90.207(f)(2)(A) and (B), concerning self-bonding and the written guarantee from a parent corporation guarantor of the permittee;

Finding No. 4, 11 AAC 90.207(f)(3)(A) and (B) and (f)(8)(A) through (H), concerning definitions for the term ''self-bond'' and other financial terms used to describe self bonds;

Finding No. 5, 11 AAC 90.337(f), concerning impoundment inspection;

Finding No. 6, 11 AAC 90.443(k), concerning backfilling and grading; and

Finding No. 7, 11 AAC 90.491(f), concerning construction and maintenance of primary roads.

The Federal regulations at 30 CFR part 902, codifying decisions concerning the Alaska program, are being amended to implement this decision. This final rule is being made effective immediately to expedite the State program amendment process and to encourage States to bring their programs into conformity with the Federal standards without undue delay. Consistency of State and Federal standards is required by SMCRA.

VI. Procedural Determinations

1. Executive Order 12866

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

2. Executive Order 12988

The Department of the Interior has conducted the reviews required by section 3 of Executive Order 12988 (Civil Justice Reform) and has determined that this rule meets the applicable standards of subsections (a) and (b) of that section. However, these standards are not applicable to the actual language of State regulatory programs and program amendments since each such program is drafted and promulgated by a specific State, not by OSM. Under sections 503 and 505 of SMCRA (30 U.S.C. 1253 and 1255) and the Federal regulations at 30 CFR 730.11, 732.15, and 732.17(h)(10), decisions on proposed State regulatory programs and program amendments submitted by the States must be based solely on a determination of whether the submittal is consistent with SMCRA and its implementing Federal regulations and whether the other requirements of 30 CFR Parts 730, 731, and 732 have been met.

3. National Environmental Policy Act

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

4. Paperwork Reduction Act

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

5. Regulatory Flexibility Act

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

6. Unfunded Mandates

This rule will not impose a cost of $100 million or more in any given year on any governmental entity or the private sector.

List of Subjects in 30 CFR Part 902

Intergovernmental relations, Surface mining, Underground mining.

Dated: February 4, 1999.

James F. Fulton,

Acting Regional Director, Western Regional Coordinating Center.

For the reasons set out in the preamble, Title 30, Chapter VII,

Subchapter T of the Code of Federal Regulations is amended as set forth below:

PART 902—ALASKA

1. The authority citation for part 902 continues to read as follows:

Authority: 30 U.S.C. 1201 *et seq.*

2. Section 902.15 is amended in the table by adding a new entry in chronological order by ''Date of Final Publication'' to read as follows:

§ 902.15 Approval of Alaska regulatory program amendments.

* * * * * *

Original amendment submission date	Date of final publication	Citation/description
*	*	* * * * *
July 30, 1998	February 22, 1999	11 AAC 90.002(a), (b), and (c), and 90.011(a) concerning permitting requirements, 90.025(a), (b), and (c) concerning permit application requirements; 90.045(a), 90.049(a), 90.083(b), and 90.097 concerning environmental resource requirements; 90.149(d) concerning alluvial valley floors; 90.163(a) and (d) concerning exploration; 90.207(f) concerning self-bonding; 90.337(f) concerning impoundment inspections; 90.375(f) concerning blasting; 90.391(h) and (s), 90.401(e), and 90.407(e) concerning coal mine waste; 90.423(b) and (h) concerning fish and wildlife; 90.443(d) and (k) concerning backfilling and grading; 90.491(e) and (f) concerning roads; 90.901(e) concerning termination of jurisdiction; 90.907(c) and (j) concerning public availability of information; and 90.911(92) concerning the definition of ''road.''

3. Section 902.16 is amended by revising paragraph (b)(8) to read as follows:

§ 902.16 Required program amendments.

* * * * *

(b) * * *

(8) At 11 AAC 90.491(f), require the addition of provisions concerning the alteration or relocation of natural stream channels, and structures for perennial or intermittent stream channel crossings that are no less effective than 30 CFR 816.151(d)(5) and (6) and 817.151(d)(5) and (6).

[FR Doc. 99–4241 Filed 2–19–99; 8:45 am]

BILLING CODE 4310–05–M

DEPARTMENT OF THE INTERIOR

Office of Surface Mining Reclamation and Enforcement

30 CFR Part 944

[SPATS No. UT–032–FOR]

Utah Abandoned Mine Land Reclamation Plan

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

ACTION: Final rule; approval of amendment.

SUMMARY: The Office of Surface Mining Reclamation and Enforcement (OSM) is approving a proposed amendment to the Utah abandoned mine land reclamation (AMLR) plan (hereinafter referred to as the ''Utah plan'') under the Surface Mining Control and Reclamation Act of 1977 (SMCRA). Utah proposed revisions to, and the addition of rules pertaining to, the definitions of certain terms, general reclamation requirements for coal lands and water, eligible lands and water prior to certification, certification of completion of coal sites, eligible lands and water subsequent to certification, the exclusion of certain noncoal reclamation sites, the extension of land acquisition authority and lien requirements to noncoal sites, limited liability, contractor responsibility, and reports. Utah also proposed deletion of the rules concerning the State reclamation grant period, grant application procedures, grant agreements, and grant and budget revisions. The amendment revised the Utah plan to meet the requirements of the revised corresponding Federal regulations and to be consistent with SMCRA, as amended, to incorporate the additional flexibility afforded by the revised Federal regulations and SMCRA, and to improve operational efficiency.

EFFECTIVE DATE: February 22, 1999.

FOR FURTHER INFORMATION CONTACT: James F. Fulton, Telephone: (303) 844–1424; Internet address: jfulton@osmre.gov.

SUPPLEMENTARY INFORMATION:

I. Background on the Utah Plan

On June 3, 1983, the Secretary of the Interior approved the Utah plan. General background information on the Utah plan, including the Secretary's findings and the disposition of comments, can be found in the June 3, 1983, **Federal Register** (48 FR 24876). Subsequent actions concerning Utah's plan and plan amendments can be found at 30 CFR 944.25.

II. Proposed Amendment

By letter dated August 2, 1995, Utah submitted a proposed amendment to its AMLR plan (Administrative Record No. UT–1071–1) pursuant to SMCRA (30 U.S.C. 1201 *et seq.*). Utah submitted the proposed amendment in response to OSM's 30 CFR 884.15(d) letter dated September 26, 1994 (Administrative Record No. UT–1011), and at its own initiative. The provisions of the Utah Administrative Rules (Utah Admin. R.) that Utah proposed to revise, add, or delete were: Utah Admin. R. 643–870–500, Definitions of ''Eligible lands and water,'' ''Left or abandoned in either an unreclaimed or inadequately reclaimed condition,'' ''Office'' or ''OSM,'' and ''Secretary;'' Utah Admin. R. 643–874–100 and –110, General Reclamation Requirements; Utah Admin. R. 643–874–124 through –128, Eligible Lands and Water; Utah Admin. R. 643–874–130 through –132, Reclamation Objectives and Priorities; Utah Admin. R. 643–874–140 through –144, Utilities and other facilities; Utah Admin. R. 643–874–150, Limited liability; Utah Admin. R. 643–874–160, Contractor responsibility; Utah Admin. R. 643–875–120 and –122 through –126, Eligible lands and water prior to certification (non-coal); Utah Admin. R. 643–875–130 through –133, Certification of completion of coal sites; Utah Admin. R. 643–875–140 through –142, Eligible lands and water subsequent to certification (non-coal); Utah Admin. R. 643–875–150 through –155.700, Reclamation priorities for noncoal program; Utah Admin. R. 643–875–160, Exclusion of certain noncoal reclamation sites; Utah Admin. R. 643–875–170, Land acquisition authority-noncoal; Utah Admin. R. 643–875–180, Lien requirements; Utah Admin. R. 643–875–190, Limited liability; Utah Admin. R. 643–875–200, Contractor responsibility; Utah Admin. R. 643–

877–141, Entry for Emergency Reclamation; Utah Admin. R. 643–879–141, Management of Acquired Land; Utah Admin. R. 643–879–152.200, –153, and –154, Disposition of Reclaimed Land; Utah Admin. R. 643–882–132, Liens; Utah Admin. R. 643–884–150, State Reclamation Plan Amendment; Utah Admin. R. 643–886–130 through –190, State Reclamation Grants; and Utah Admin. R. 643–886–232.240, Reports.

OSM announced receipt of the proposed amendment in the August 22, 1995, **Federal Register** (60 FR 43577), provided an opportunity for a public hearing or meeting on its substantive adequacy, and invited public comment on its adequacy (Administrative Record No. UT–1071–3). Because no one requested a public hearing or meeting, none was held. The public comment period ended on September 21, 1995.

During its review of the amendment, OSM identified concerns relating to the provisions of Utah Admin. R. 643–870–500, definitions of ''Eligible lands and water'' and ''Left or abandoned in either an unreclaimed or inadequately reclaimed condition;'' Utah Admin. R. 643–874–120, –121, –123, –124, –125, and –128, General Reclamation Requirements; Utah Admin. R. 643–875–132, Certification of completion of coal sites; Utah Admin. R. 643–877–120, Entry for Studies or Exploration; Utah Admin. R. 643–879–154, Disposition of Reclaimed Land; and Utah Admin. R. 643–882–121 and –122, Appraisals. OSM notified Utah of the concerns by letter dated March 26, 1996 (Administrative Record No. UT–1071–8).

Utah responded in a letter dated March 12, 1997, by submitting a revised amendment and additional explanatory information (Administrative Record No. UT–1071–9). Utah proposed revisions to Utah Admin. R. 643–870–500, definitions of ''Eligible lands and water'' and ''Left or abandoned in either an unreclaimed or inadequately reclaimed condition;'' and Utah Admin. R. 643–874–124 and –125, General Reclamation Requirements.

Based upon the additional explanatory information and revisions to the proposed plan amendment submitted by Utah, OSM reopened the public comment period in the April 7, 1997, **Federal Register** (62 FR 16507, Administrative Record No. UT–1071–11). The public comment period closed on April 22, 1997.

During the review of the revisions and additional explanatory information submitted by Utah, OSM identified concerns relating to the provisions of Utah Admin. R. 643–870–500, definitions of ''eligible lands and water'' and ''left or abandoned in either an unreclaimed or inadequately reclaimed condition.'' OSM notified Utah of the concerns by telephone conversation record dated September 8, 1997 (Administrative Record No. UT–1071–14). Utah responded in a letter dated December 30, 1997, by submitting a revised amendment (Administrative Record No. UT–1071–15).

OSM announced receipt of the proposed revisions and additional explanatory information in the January 14, 1998, **Federal Register** (63 FR 2192, Administrative Record No. UT–1071–17) and invited public comment on the substantive adequacy of the proposed changes. Because no one requested a public hearing or meeting, none was held. The public comment period ended on January 29, 1998.

III. Director's Findings

As discussed below, the Director, in accordance with SMCRA and 30 CFR 884.14 and 884.15, finds that the proposed plan amendment submitted by Utah on August 2, 1995, and as revised and supplemented with additional explanatory information on March 12, 1997, and December 30, 1997, meets the requirements of the corresponding Federal regulations and is consistent with SMCRA. Thus, the Director approves the proposed amendment.

1. Nonsubstantive Revisions to Utah's Rules

Utah proposed revisions to the following previously-approved rules that are nonsubstantive in nature and consist of minor editorial changes (corresponding Federal regulation provisions are listed in parentheses):

Utah Admin. R. 643–870–500 (30 CFR 870.5), definition of ''Office'' or ''OSM;''

Utah Admin. R. 643–877–141 (30 CFR 877.14(a)), Entry for Emergency Reclamation;

Utah Admin. R. 643–879–141 (30 CFR 879.14), Management of Acquired Land;

Utah Admin. R. 643–879–152.200, 643–879–153, and 643–879–154 (30 CFR 879.15(b)(2), (c), and (d)), Disposition of Reclaimed Land;

Utah Admin. R. 643–882–132 (30 CFR 882.13(a)(3)), Liens; and

Utah Admin. R. 643–884–150 (30 CFR 884.15), State Reclamation Plan Amendment.

Because the proposed revisions to these previously-approved rules are nonsubstantive in nature, the Director finds that these proposed Utah rules meet the requirements of the Federal regulations. The Director approves the proposed revisions to these rules.

2. Substantive Revisions to Utah's Rules That Are Substantively Identical to the Corresponding Provisions of the Federal Regulations

Utah proposed revisions to the following rules that are substantive in nature and contain language that is substantively identical to the requirements of the corresponding Federal regulations provisions (listed in parentheses):

Utah Admin. R. 643–870–500 (30 CFR 705.5), definition of ''Secretary;''

Utah Admin. R. 643–870–500 (30 CFR 870.5 and Section 403(b)(2) of SMCRA), definition of ''Left or abandoned in either an unreclaimed or inadequately reclaimed condition;''

Utah Admin. R. 643–874–100 and –110 (30 CFR 874.1 and 874.11), General Reclamation Requirements;

Utah Admin. R. 643–874–124 through –128 (30 CFR 874.12 (d), (e), (f), (g), and (h)), Eligible (coal) Lands and Water;

Utah Admin. R. 643–874–130 through –132 (30 CFR 873.13), Reclamation Objectives and Priorities;

Utah Admin. R. 643–874–140 through –144 (30 CFR 874.14), Utilities and other facilities;

Utah Admin. R. 643–874–150 (30 CFR 874.15), Limited liability;

Utah Admin. R. 643–874–160 (30 CFR 874.16), Contractor responsibility;

Utah Admin. R. 643–875–120 through –200 (30 CFR 875.12 through 875.20), Noncoal Reclamation; and

Utah Admin. R. 643–886–232.240 (30 CFR 886.23(b)), Reports.

Because these proposed Utah rules are substantively identical to the corresponding provisions of the Federal regulations, the Director finds that they meet the requirements of the Federal regulations. The Director approves the proposed revisions to these rules.

3. Utah Admin. R. 643–870–500, Definition of ''Eligible Lands and Water''

Utah proposed a new definition of the term ''Eligible lands and water'' at Utah Admin, R. 643–870–500 to provide for: (1) Reclamation of drainage abatement expenditures for coal mining operations on lands and water damaged by such operations prior to August 3, 1977, and for which there is no continuing reclamation responsibility, and (2) eligibility of lands and water damaged by coal mining operations after August 3, 1977, and on or before November 5, 1990, if they meet the requirements specified in R643–874–123 and R643–874–124. Other requirements included in the proposed definition concern eligible lands and water following certification of the completion of all

known coal problems and additional eligibility requirements for water projects.

Utah's proposed definition at Utah Admin. R. 643–870–500 was not in compliance with the counterpart Federal definition at 30 CFR 870.5, which provides, in pertinent part, that ''Eligible lands and water'' includes lands and water damaged by coal mining operations after August 3, 1977, and November 5, 1990, if they meet the requirements of 30 CFR 874.12(d) and (e). Utah's proposed definition lacked a reference to Utah Admin. R. 643–874–125, which is the State counterpart to 30 CFR 874.12(e). However, Utah added a cross-reference to Utah Admin. R. 643–874–125 in its December 30, 1997, submittal. The definition now includes a provision allowing the State to expend funds made available under section 402(g)(1) and (5) of SMCRA for reclamation and abatement of any interim coal or insolvent surety site where other criteria are met. Therefore, the Director approves the revised definition of ''Eligible lands and water'' at Utah Admin. R. 643–870–500.

4. Utah Admin. R. 643–886–130 through –190, State Reclamation Grants

Utah proposes to delete the rules at Utah Admin. R. 643–886–130 through –190, concerning State Reclamation Grants, as the language is outdated with the implementation of the revised AML grant procedures in the February 22, 1995, **Federal Register** (60 FR 9974). The AML grant procedures were revised in 1995 to reflect several Congressional amendments to Title IV of SMCRA. Specifically, OSM revised the regulations at 30 CFR 886.13 to delete any reference which listed administrative grants as a separate entity; to delete reference to ''impact assistance funding;'' to delete specific references to sections of SMCRA; and to delete references to specific AML projects, which are now part of the Abandoned Mine Land Inventory System.

Utah, in order to reflect the Federal regulatory revisions, is proposing to delete references to the grant period, the annual submission of projects, the grant application procedures, grant agreements, and grant and budget revisions. All of the aforementioned requirements have been deleted in the revised Federal regulations except those concerning the grant period.

The revised Federal regulations at 30 CFR 866.13(a), concerning the grant period, state that: (1) The period for administrative costs of the agency should not exceed the first year of the grant, and (2) the Director shall approve a grant period on the basis of information in the application showing that projects to be funded will fulfill the objectives of 30 U.S.C. 1201 et seq. These Federal regulations at 30 CFR 886.13(a) provide OSM's procedures for the processing of State AML grants, which apply to all State reclamation plans regardless of State plan provisions. Because 30 CFR 866.13(a) provides only Federal requirements, there is no need for the Utah plan to contain equivalent provisions. Therefore, the Director approves Utah's deletion of Utah Admin. R. 643–886–130 through 643–886–190.1

IV. Summary and Disposition of Comments

Following are summaries of all substantive written comments on the proposed amendment that were received by OSM, and OSM's responses to them.

1. Public comments

OSM invited public comments on the proposed amendment, but none were received.

2. Federal Agency Comments

Pursuant to 30 CFR 884.15(a) and 884.14(a)(2), OSM solicited comments on the proposed amendment from various Federal agencies with an actual or potential interest in the Utah plan (Administrative Record Nos. UT–1071–2 and UT–1071–10).

Four agencies responded that they had no comments: the State Historic Preservation Office (August 23, 1995, Administrative Record No. UT–1071–4); the Bureau of Mines (September 7, 1995, Administrative Record No. UT–1071–5); the U.S. Fish and Wildlife (September 12, 1995, Administrative Record No. UT–1071–6; April 8, 1997, Administrative Record No. UT–1071–12; and January 16, 1998, Administrative Record No. UT–1071–18); and the Mine Safety Health Administration (September 20, 1995, Administrative Record No. UT–1071–7 and May 1, 1997, Administrative Record No. UT–1071–13).

V. Director's Decision

Based on the above findings, the Director approves Utah's proposed plan amendment as submitted on August 2, 1995 and as revised on March 12, 1997 and December 30, 1997.

The Director approves, as discussed in: Finding No. 1, Utah Admin. R. 643–870–500, the definition of ''Office'' or ''OSM;'' 643–877–141, concerning Entry for Emergency Reclamation; 643–879–141, concerning Management of Acquired Land; 643–879–152.200, 643–879–153, and 643–879–154, concerning Disposition of Reclaimed Land; 643–882–132, concerning Liens; and 643–884–150, concerning State Reclamation Plan Amendment; Finding No. 2, Utah Admin. R. 643–870–500, the definitions of ''Secretary'' and ''Left or abandoned in either an unreclaimed or inadequately reclaimed condition;'' 643–874–100 and –101, concerning General Reclamation Requirements; 643–874–124 through –128, concerning Eligible (coal) Lands and Water; 643–874–130 through –132, Reclamation Objectives and Priorities; 643–874–140 through –144, concerning Utilities and other facilities, 643–874–150, concerning Limited liability; 643–874–160, concerning Contractor responsibility; 643–875–120 through –200, Noncoal Reclamation; and 643–886–232.240, concerning Reports; Finding No. 3, Utah Admin. R. 643–870–500, concerning the definition of ''Eligible lands and water,'' and Finding No. 4, the deletion of Utah Admin. R. 643–886–130 through –190, concerning State Reclamation Grants.

The Director approves the rules as proposed by Utah with the provision that they be fully promulgated in identical form to the rules submitted to and reviewed by OSM and the public.

The Federal regulations at 30 CFR Part 944, codifying decisions concerning the Utah plan, are being amended to implement this decision. This final rule is being made effective immediately to expedite the State plan amendment process and to encourage States to bring their plans into conformity with the Federal standards without undue delay. Consistency of State and Federal standards is required by SMCRA.

VI. Procedural Determinations

1. Executive Order 12866

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

2. Executive Order 12988

The Department of the Interior has conducted the reviews required by section 3 of Executive Order 12988 (Civil Justice Reform) and has determined that this rule meets the applicable standards of subsections (a) and (b) of that section. However, these standards are not applicable to the actual language of Tribe or State AMLR plans and revisions thereof since each plan is drafted and promulgated by a specific Tribe or State, not by OSM. Decisions on proposed Tribe or State AMLR plans and revisions thereof submitted by a Tribe or State are based

on a determination of whether the submittal meets the requirements of Title IV of SMCRA (30 U.S.C. 1231–1243) and the applicable Federal regulations at 30 CFR Parts 884 and 888.

3. National Environmental Policy Act

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

4. Paperwork Reduction Act

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

5. Regulatory Flexibility Act

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

6. Unfunded Mandates Reform Act

This rule will not impose a cost of $100 million or more in any given year on any governmental entity or private sector.

List of Subjects in 30 CFR Part 944

Abandoned mine reclamation programs, Intergovernmental relations, Surface mining, Underground mining.

Dated: February 9, 1999.

Russell F. Price,

Acting Regional Director, Western Regional Coordinating Center.

For the reasons set out in the preamble, Title 30, Chapter VII, Subchapter T of the Code of Federal Regulations is amended as set forth below:

PART 944—UTAH

1. The authority citation for Part 944 continues to read as follows:

Authority: 30 U.S.C. 1201 *et seq.*

2. Section 944.25 is amended in the table by adding a new entry in chronological order by ''Date of Final Publication'' to read as follows:

§ 944.25 Approval of Utah abandoned mine land reclamation plan amendments.

* * * * *

Original amendment submission date	Date of final publication	Citation/description
*	*	* * * * *
August 2, 1995	February 22, 1999	Utah Admin. R. 643–870–500; 643–874–100 and –110; 643–874–124 through –128; 643–874–130 through –132; 643–874–140 through –144; 643–874–150; 643–874–160; 643–875–120 through –200; 643–877–141; 643–879–141; 643–879–152.200, –153, and –154; 643–882–132; 643–884–150; and 643–886–232.240.

[FR Doc. 99–4242 Filed 2–19–99; 8:45 am]

BILLING CODE 4310–05–M

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 52

[IL175–1a; FRL–6232–7]

Approval and Promulgation of Air Quality Implementation Plans; Illinois: Motor Vehicle Inspection and Maintenance

AGENCY: Environmental Protection Agency (EPA).

ACTION: Direct final rule.

SUMMARY: The EPA is approving the remaining portions of a vehicle inspection and maintenance (I/M) State Implementation Plan (SIP) revision submitted by the State of Illinois on June 29, 1995, which were conditionally approved by EPA on June 25, 1996. The final approval of the conditionally approved portions of the plan is based on the State's June 21, 1997, and December 9, 1998, submittals of additional documentation addressing the requirements of EPA's conditional approval. This revision provides for the adoption and implementation of an enhanced I/M program in both the Chicago severe ozone nonattainment area and the East St. Louis moderate ozone nonattainment area.

DATES: This rule is effective on April 23, 1999, unless EPA receives adverse written comments by March 24, 1999. If adverse comment is received, EPA will publish a timely withdrawal of the rule in the **Federal Register** informing the public that the rule will not take effect.

ADDRESSES: Written comment should be sent to: J. Elmer Bortzer, Chief, Regulation Development Section, Air Programs Branch (AR–18J), U.S. Environmental Protection Agency, Region 5, 77 West Jackson Boulevard, Chicago, Illinois 60604. Copies of the State submittal are available for inspection at the following address: U.S. Environmental Protection Agency, Region 5, Air and Radiation Division, 77 West Jackson Boulevard, Chicago, Illinois 60604. (It is recommended that you telephone Francisco Acevedo at (312) 886–6061 before visiting the Region 5 Office.)

FOR FURTHER INFORMATION CONTACT: Francisco J. Acevedo, Environmental Protection Specialist at (312) 886–6061.

SUPPLEMENTARY INFORMATION:

I. Introduction

Motor vehicles are significant contributors of volatile organic compounds (VOC), carbon monoxide (CO), and nitrogen oxide (NO_x) emissions. The motor vehicle inspection and maintenance program is an effective means of reducing these emissions. Despite improvements in emission control technology in past years, mobile sources in urban areas continue to remain responsible for roughly half of the emissions of VOC causing ozone, and most of the emissions of CO. They also emit substantial amounts of nitrogen oxides (NO_x) and air toxics. This is because the number of vehicle miles traveled has doubled in the last 20 years to 2 trillion miles per year, offsetting much of the technological progress in vehicle emission control over the same period. Projections

indicate that the steady growth in vehicle miles will continue.

Under the Clean Air Act (the Act), the EPA is pursuing a three-point strategy to achieve emission reductions from motor vehicles. The development and commercialization of cleaner vehicles and cleaner fuels represent the first two elements of the strategy. These developments will take many years before cleaner vehicles and fuels dominate the fleet and favorably impact the environment. This document deals with the third element of the strategy, vehicle inspection and maintenance, which is aimed at the reduction of emissions from the existing fleet by ensuring that vehicles are maintained to meet the emission standards established by EPA. Properly functioning emission controls are necessary to keep pollution levels low. The driving public is often unable to detect a malfunction of the emission control system. While some minor malfunctions can increase emissions significantly, they do not affect drivability and may go unnoticed for a long period of time. Effective I/M programs can identify excessive emissions and assure repairs. The EPA projects that sophisticated I/M programs such as the one being approved in this rulemaking for Illinois will identify emission related problems and prompt the vehicle owner to obtain timely repairs thus reducing emissions. The Act requires that polluted cities adopt either a ''basic'' or ''enhanced'' I/M program, depending on the severity of the pollution and the population of the area. Moderate ozone nonattainment areas, plus marginal ozone areas with existing or previously required I/M programs in Census-defined urbanized areas, fall under the ''basic'' I/M requirements. Basic and enhanced I/M programs both achieve their objective by identifying vehicles that have high emissions as a result of one or more malfunctions, and requiring them to be repaired. An ''enhanced'' I/M program covers more vehicles in operation in the fleet, employs inspection methods which are better at finding high emitting vehicles, and has additional features to better assure that all vehicles are tested properly and effectively repaired. The Act directed EPA to establish a minimum performance standard for enhanced I/M programs. The standard is based on the performance achievable by annual inspections in a centralized test program. States have flexibility to design their own programs if they can show that their program is as effective as the model program used in the performance standard. Naturally, the more effective the program the more credit a State will get toward the emission reduction requirement. An effective program will help to offset emissions associated with growth in vehicle use and allow for industrial and/or commercial growth.

The EPA and the States have learned a great deal about what makes an I/M program effective since the Clean Air Act of 1977 first required I/M programs for polluted areas. There are three major keys to an effective program:

(1) Given the advanced state of current vehicle design and anticipated technology changes, the ability to accurately fail problem vehicles and pass clean ones requires improved test equipment and test procedures;

(2) Comprehensive quality control and aggressive enforcement are essential to assuring the testing is done properly; and,

(3) Skillful diagnostics and capable mechanics are important to assure that failed cars are fixed properly.

These three factors are missing in most older I/M programs. Specifically, the idle and 2500 RPM/idle short tests and anti-tamper inspections used in current I/M programs are not as effective in identifying and reducing in-use emissions from the types of vehicles in the current and future fleet. Also, covert audits by EPA and State agencies typically discover improper inspection and testing 50 percent of the time in test-and-repair stations, indicating poor quality control. Experience has shown that quality control at high-volume test only stations is usually much better. And, finally, diagnostics and mechanics training are often poor or nonexistent in most older I/M programs.

On November 5, 1992 (57 FR 52950), EPA established a high-tech emission test for high-tech cars. This I/M test, known as the IM240 test, is so effective that biennial test programs yield almost the same emission reduction benefits as annual programs. The addition of the evaporative test increases the benefit even more and results in lower testing costs. In addition, EPA published changes to the I/M rule in the **Federal Register** on October 18, 1995, (60 FR 48029) in order to provide greater flexibility to States required to implement I/M programs.

II. Background

The State of Illinois currently contains two ozone nonattainment areas which are required to implement I/M programs in accordance with the Act. The Chicago severe-17 ozone nonattainment area contains the Chicago, Aurora, Crystal Lake, Elgin, Joliet, and Round Lake Beach-McHenry urbanized areas. The Federal I/M rule requires the Chicago urbanized area to implement an enhanced I/M program. Since the I/M rule does not require enhanced I/M programs in severe urbanized areas with a Census population of less than 200,000, the remaining five cities in the Chicago nonattainment area were required to implement only a basic I/M program based on their 1990 Census-defined urbanized area populations. The East St. Louis moderate ozone nonattainment area (Metro-East) contains the Illinois portion of the St. Louis and Alton urbanized areas. Both areas were required to implement a Basic I/M program in the nonattainment area. On June 29, 1995, the Illinois Environmental Protection Agency (IEPA) submitted to EPA a SIP revision for the implementation of an enhanced I/M program to cover both the Chicago and the East St. Louis nonattainment areas. This submittal includes the Vehicle Emissions Inspection Law of 1995 (625 ILCS 5/13B) (''Inspection Law''), which became effective January 18, 1994. That statute provides authority for IEPA to implement an enhanced I/M program and meet EPA's requirements for such a program. The Inspection Law mandates enhanced I/M testing for the Metro-East and the Chicago ozone nonattainment areas. The Illinois Pollution Control Board (Board) is required by the Inspection Law to adopt the necessary vehicle emissions standards, and IEPA is required to adopt equipment requirements and all necessary procedures for the enhanced I/M testing program. The standards were required to be adopted as amendments to 35 Illinois Administrative Code 240 (Part 240), and the procedures adopted as amendments to 35 Illinois Administrative Code 276 (Part 276). The Illinois submittal of June 21, 1997 included two separate amendments to the Board I/M standards contained in Part 240 (Board docket numbers R94–19 and R94–20) effective on December 14, 1994 and December 12, 1994, respectively (18 Ill. Reg. 18228 (December 30, 1994), and 18 Ill. Reg. 18013 (December 23, 1994)). These amendments include emissions standards based upon EPA's preferred IM240 loaded mode exhaust emissions standard. For the Enhanced I/M Program, the IEPA adopted an initial set of amendments to Agency procedures contained in Part 276 and they became effective on June 14, 1996 (20 Ill. Reg. 8456). On April 22, 1996, IEPA submitted the State's Enhanced I/M Request-For-Proposal as part of the Illinois SIP submittal.

In a proposed rule published in the **Federal Register** on May 10, 1996 (61 FR 21405), EPA proposed to approve portions of the Illinois enhanced I/M submittal and to conditionally approve other portions. The public comment period for the May 10, 1996, notice of proposed rulemaking closed on June 10, 1996, and no comments were received. EPA published a final rule approving portions of the Illinois enhanced I/M submittal and conditionally approving other portions of the plan on July 25, 1996.

On June 21, 1997, the IEPA submitted the final enhanced I/M contract and supplemental information in support of the SIP as required by EPA's July 25, 1996 conditional approval of the Illinois plan. On December 9, 1998, the IEPA submitted recently adopted amendments to Part 240 ((22 Ill. Reg. 13723), effective July 13, 1998, and 22 Ill. Reg. 21120, effective July 13, 1998), and Part 276 ((22 Ill. Reg. 18867) effective September 28, 1998) as the final required elements in support of the SIP revision. The adopted Board and IEPA agency regulations and the legislation submitted by Illinois, change the existing program from a basic I/M program to a fully enhanced I/M program in both of Illinois' ozone nonattainment areas.

III. EPA's Analysis of Illinois' Enhanced I/M Program

As discussed above, section 182 of the Act requires that States adopt and implement updated regulations for I/M programs in moderate and above ozone nonattainment areas. The following sections of this notice summarize the requirements of the Federal I/M regulations for those areas that were conditionally approved by EPA on July 25, 1996 and address whether the elements of the State's submittal comply with the Federal rule.

Network Type and Program Evaluation 40 CFR 51.353

Enhanced I/M programs shall be operated in a centralized test-only format, unless the State can demonstrate that a decentralized program is equally effective in achieving the enhanced I/M performance standard. The enhanced program shall include an ongoing evaluation to quantify the emission reduction benefits of the program and to determine if the program is meeting the requirements of the Act and the Federal I/M regulations. The SIP shall include details on the program evaluation and a schedule for submittal of biennial evaluation reports, data from a State monitored or administered mass emission test of at least 0.1 percent of the vehicles subject to inspection each year, description of the sampling methodology, the data collection and analysis system and the legal authority enabling the evaluation program.

The State legislative authority and the State I/M regulations provide for a centralized, test-only network. Illinois' centralized, test only network type is approvable. The submittal includes provisions for on-going program evaluation to satisfy the requirements of 40 CFR 51.353. Specifically, the State's submittal includes a schedule for program evaluations and methodologies by which this biennial program evaluation will be carried out, as required by 40 CFR 51.353. In addition, the State has committed to submit to EPA biennial program evaluation reports meeting the requirements of 40 CFR 51.353 starting at the end of the program's first biennial cycle in July 2001. EPA is approving this section of the Illinois enhanced I/M SIP.

Vehicle Coverage 40 CFR 51.356

The performance standard for enhanced I/M programs assumes coverage of all 1968 and newer model year light duty vehicles and light duty trucks up to 8,500 pounds gross vehicle weight rating (GVWR), and includes vehicles operating on all fuel types. Other levels of coverage may be approved if the necessary emission reductions are achieved. Vehicles registered or required to be registered within the I/M program area boundaries, and fleets primarily operated within the I/M program area boundaries belonging to the covered model years and vehicle classes comprise the subject vehicles. Fleets may be officially inspected outside the normal I/M program test facilities, if such alternatives are approved by IEPA, but shall be subject to the same test requirements using the same quality control standards as non-fleet vehicles and shall be inspected in independent, test-only facilities, according to the requirements of 40 CFR 51.353(a).

The Federal I/M regulation requires that the SIP shall include the legal authority or rule necessary to implement and enforce the vehicle coverage requirement, a detailed description of the number and types of vehicles to be covered by the program and a plan for how those vehicles are to be identified, including vehicles that are routinely operated in the area but may not be registered in the area, and a description of any special exemptions, including the percentage and number of vehicles to be impacted by the exemption.

The Illinois Vehicle Inspection Law of 1995 requires coverage of all 1968 and newer vehicles registered or required to be registered in the I/M program area, except those vehicles which run on diesel or exclusively by electricity. The modeling demonstration submitted with the SIP includes vehicle coverage of light-duty gasoline vehicles (LDGV), light-duty gasoline trucks 1 (LDGT1), and light-duty gasoline trucks 2 (LDGT2). The Illinois legislation provides the legal authority to implement and enforce the vehicle coverage. This level of coverage is approvable because it provides the necessary emission reductions. The State's June 21, 1997, SIP submittal adequately addresses fleet testing requirements. The State described the extent of the exemption's impact, in accordance with 40 CFR 51.356 and therefore EPA is approving this section of the State submittal.

Test Procedures and Standards 40 CFR 51.357

Written test procedures and pass/fail standards are required to be established and followed for each model year and vehicle type included in the program. Federal test procedures and standards are found in 40 CFR 51.357 and in the EPA document entitled ''High-Tech I/M Test Procedures, Equipment Standards, Quality Control Requirements, and Equipment Specifications'', EPA–AA–EPSD–IM–93–1, finalized in April, 1994 and revised June 1996 and March 1998. 625 ILCS 5/13B provides the State the authority to establish test procedures according to the needs of the program. The Illinois submittal includes I/M regulations adopted by the Board ((R94–19, and R94–20, and R98–24) effective December 14, 1994, December 12, 1994, and July 13, 1998, respectively), which include emissions standards based upon EPA's preferred IM240 loaded mode exhaust emissions standard. In 1996, Illinois EPA adopted some administrative rules to implement many aspects of the Enhanced I/M program, and these became effective on June 14, 1996 (amendments to 35 Illinois Administrative Code 276 (20 Ill. Reg. 8456) (''Part 276'')). IEPA adopted the remaining necessary amendments to these rules this fall, and they have an effectiveness date of September 28, 1998 (22 Ill. Reg. 18867). Therefore, EPA is approving this section of the SIP based on IEPA's submittal of December 9, 1998 of the adopted and effective amendments to the Part 240 Board rules, and the Part 276 IEPA rules.

Test Equipment 40 CFR 51.358

The Federal regulation requires computerized test systems for performing any measurement on subject vehicles. The Federal I/M regulations requires that the State SIP submittal include written technical specifications for all test equipment used in the program. The specifications shall describe the emission analysis process, the necessary test equipment, the required features and written acceptance testing criteria and procedures.

625 ILCS 5/13B provides the general authority for the State to establish the designation of official test equipment and testing procedures. The Illinois submittal also includes I/M regulations which include emissions standards based upon EPA's preferred IM240 loaded mode exhaust emissions standard. IEPA has addressed the requirements of this section in Chapter 4 (Technical Requirements) and Chapter 5 (Administrative Requirements) of the Enhanced I/M RFP and the contractor's Technical Proposal. EPA is approving this section of the SIP based on the State's June 21, 1997, submittal of the final signed contract addressing the requirements of 40 CFR 51.358.

Quality Control 40 CFR 51.359

Quality control measures shall ensure that emission measurement equipment are calibrated and maintained properly, and that inspection, calibration records and control charts are accurately created, recorded and maintained. The Illinois submittal contains general legal authority in 625 ILCS 5/13B which requires IEPA to establish an enhanced program containing procedures to assure the correct operation, maintenance and calibration of test equipment, and also procedures for certifying test results and for reporting and maintaining relevant data and records. EPA is approving this section of the SIP based on the State's June 21, 1997, submittal of the final signed contract addressing the quality control requirements of 40 CFR 51.359 in Chapter 4 (Technical Requirements) and Chapter 5 (Administrative Requirements) of the Enhanced I/M RFP and the contractor's Technical Proposal.

Motorist Compliance Enforcement Program Oversight 40 CFR 51.362

The Federal I/M regulation requires that the enforcement program shall be audited regularly and shall follow effective program management practices, including adjustments to improve operation when necessary. The SIP shall include quality control and quality assurance procedures to be used to insure the effective overall performance of the enforcement system. An information management system shall be established which will characterize, evaluate and enforce the program. The legal authority for the implementation of an I/M program is found in 625 ILCS 5/13B. This statute provides the authority necessary to develop and implement the enforcement program oversight element of the I/M program. The Office of the Secretary of State (SOS) will continue to enforce the Vehicle Emission Inspection Law of 1995, which requires SOS to ''suspend either the driving privileges or the vehicle registration or both, of any vehicle owner who has not complied with this chapter'' (625 ILCS 5/13B–55). EPA is approving this portion of the State's plan based on the State's June 21, 1997, submittal of the final signed I/M contract addressing the requirements of 40 CFR 51.362.

Quality Assurance 40 CFR 51.363

An ongoing quality assurance program shall be implemented to discover, correct and prevent fraud, waste, and abuse in the program. The program shall include covert and overt performance audits of the inspectors, audits of station and inspector records, equipment audits, and formal training of all state I/M enforcement officials and auditors. The Illinois submittal contains a general provision under 625 ILCS 5/13B which requires that the State I/M program provide for procedures to assure the correct operation, maintenance, and calibration of test equipment. Illinois will continue to implement its ongoing quality assurance program to discover, correct and prevent fraud, waste and abuse in the enhanced I/M program. The program will include both covert and overt performance audits of the inspectors, audits of the stations and inspection records, equipment audits, and formal training of all state I/M enforcement officials and auditors. Chapter 4 (Technical Requirements) and Chapter 5 (Administrative Requirements) of the Enhanced I/M RFP and the contractor's Technical Proposal contain numerous provisions which will enable IEPA to continue this program. EPA is approving this portion of the State's plan based on IEPA's June 21, 1997, submittal of the final signed I/M contract addressing the requirements of this section.

Enforcement Against Contractors, Stations and Inspectors 40 CFR 51.364

Enforcement against licensed stations or contractors and inspectors shall include swift, sure, consistent penalties for violation of program requirements. The Federal I/M regulation requires the establishment of minimum penalties for violations of program rules and procedures which can be imposed against stations, contractors and inspectors. The legal authority for establishing and imposing penalties, civil fines, license suspensions and revocations should be included in the SIP. State quality assurance officials shall have the authority to temporarily suspend station and/or inspector licenses immediately upon finding a violation that directly affects emission reduction benefits. The Illinois submittal includes the legal authority to establish and impose penalties against station, contractors, and inspectors. In addition, Chapter 6 (Implementation) of the enhanced I/M RFP and the contractor's Technical Proposal contain detailed provisions addressing the requirements of this section, including specific monetary penalties established for violation of program rules and procedures. EPA is approving this section of the SIP based on the State's June 21, 1997, submittal of the final signed I/M contract addressing such requirements.

Data Collection 40 CFR 51.365

In order to manage, evaluate, and enforce the program requirements, an effective I/M program requires accurate data collection. The Federal I/M regulation requires data to be gathered on each individual test conducted and on the results of the quality control checks of test equipment required under 40 CFR 51.359. The Illinois submittal contains a general provision under 625 ILCS 5/13B which requires that the State I/M program provide for procedures for certifying test results and for reporting and maintaining relevant data and records. In addition, Chapter 4 (Technical Requirements) of the Enhanced I/M RFP and the contractor's Technical Proposal requires that the contractor submit to IEPA, on a monthly basis, a file containing detailed data for each vehicle test transaction conducted. The data collection requirements specified in the final contract meet those specified in 40 CFR 51.365. EPA is approving this section of the SIP based on the State's June 21, 1997, submittal of the final signed I/M contract addressing the requirements of this section.

Data Analysis and Reporting 40 CFR 51.366

Data analysis and reporting are required in order to monitor and evaluate the program by the State and

EPA. The Federal I/M rule requires annual reports to be submitted to EPA that provide information and statistics and summarize activities performed for each of the following programs: testing, quality assurance, quality control and enforcement. These reports are to be submitted by July of each year and shall provide statistics for the period of January to December of the previous year. A biennial report shall be submitted to EPA that addresses changes in the program design, regulations, legal authority, program procedures, any weaknesses in the program found during the previous two year period and how these problems will be or were corrected. Chapter 4 (Technical Requirements) of the Enhanced I/M RFP and the contractor's Technical Proposal contains the necessary provisions addressing the requirements of this section.

EPA is approving this section of the SIP based on the State's June 21, 1997, submittal of the final signed contract addressing the data analysis and reporting requirements of 40 CFR 51.366.

Inspector Training and Licensing or Certification 40 CFR 51.367

The Federal I/M regulation requires all inspectors to be formally trained and licensed or certified to conduct inspections. 625 ILCS 5/13B requires all inspectors to be certified by IEPA after successfully completing a course of training and successfully passing a written test. Chapter 4 (Technical Requirements) of the Enhanced I/M RFP and the contractor's Technical Proposal requires the contractor to develop a detailed Management Plan for the implementation and operation of the contracted elements of the Illinois enhanced I/M program. The Management Plan must include as part of its elements, a description of the Personnel Training and Certification Program as described in the I/M contract. The final contract requires the Contractor to establish and operate an on-going program to train and certify contractor and IEPA personnel. EPA is approving this section of the SIP based on the State's June 21, 1997, submittal of the final signed I/M contract addressing such requirements.

Public Information and Consumer Protection 40 CFR 51.368

The Federal I/M regulation requires the SIP to include a public information and consumer protection program. The submittal needs to include a public information program, which educates the public on I/M, State, and Federal regulations, air quality, the contribution of motor vehicles to the air pollution problem, and other items as described in the Federal rule. A consumer protection program, which includes provisions for a challenge mechanism, protection of whistle blowers and assistance to motorists in obtaining warranty covered repair, also needs to be addressed. IEPA has prepared a comprehensive public information program meeting the requirements of this section. The Enhanced I/M contractor will be responsible for developing and implementing the majority of the public information program according to the Enhanced I/M contract. Chapter 5 of the Enhanced I/M Contract requires the contractor to assist IEPA to inform motorists of the need for emission testing and the benefits derived from regular maintenance of their vehicles, and cooperate in distributing public information brochures and/or leaflets to motorists in the inspection lanes. EPA is approving this section of the Illinois plan.

Improving Repair Effectiveness 40 CFR 51.369

Effective repairs are the key to achieving program goals. The Federal regulation requires States to take steps to ensure that the capability exists in the repair industry to repair vehicles. The SIP should include a description of the technical assistance program to be implemented, a description of the procedures and criteria to be used in meeting the performance monitoring requirements required in the Federal regulation, and a description of the repair technician training resources available in the community. The Enhanced I/M Contract contains provisions for the contractor to develop a ''Repair Industry Plan'' that will be developed and coordinated with IEPA to assist the industry, especially during the beginning of the operating phase of the Enhanced I/M program. The contractor will provide direct mailings providing information on available training and certification. The contractor will also prepare and distribute to the industry, on a quarterly basis, a newsletter focusing on emissions-related repair procedures, unusual or anomalous vehicles, and other information related to diffusing beneficial repair information. The contractor has also made arrangements for the repair industry to receive key repair information from a third-party contractor for a fee. This telephone service hotline will provide a variety of repair information and will be linked to the Contractor's computer system to allow real-time access to test record information. EPA is approving this section of the Illinois plan.

Compliance With Recall Notices 40 CFR 51.370

States are required to establish a method to ensure that vehicles subject to enhanced I/M and that are included in either a voluntary emissions recall as defined at 40 CFR 85.1902(d), or in a remedial plan determination made pursuant to section 207(c) of the Act, receive the required repairs prior to completing the emission test or renewing the vehicle registration. 625 ILCS 5/13B provides the legal authority to require owners to comply with emission related recalls before completing the emission test. The Illinois RFP requires that the contractor provide and maintain as part of the data handling system a means to identify vehicles with unresolved emissions recalls based upon the data provided by EPA. At a minimum, the Contractor and IEPA will have the capability to store, retrieve, and update recall data that consists of the vehicle identification number, the number of the recall campaign, and the date that the repairs were performed. The system is to be capable of interactively updating vehicle and/or recall database records based upon information supplied by vehicle owners indicating that required repairs have been made. The system will also be capable of updating appropriate records based upon updated data provided by EPA. EPA is approving this section of the Illinois plan.

On-Road Testing 40 CFR 51.371

On-road testing is required in enhanced I/M areas. The use of either remote sensing devices (RSD) or roadside pullovers including tailpipe emission testing can be used to meet the Federal regulations. The program must include on-road testing of 0.5 percent of the subject fleet or 20,000 vehicles, whichever is less, in the nonattainment area or the I/M program area. Motorists that have passed an emission test and are found to be high emitters as a result of an on-road test shall be required to pass an out-of-cycle test. 625 ILCS 5/13B requires on-road testing through the use of remote sensing devices. The SIP submittal requires the use of RSD to test at least 0.5 percent of the subject fleet per year in the I/M program area. Chapter 4 (Technical Requirements) of the Enhanced I/M RFP and the contractor's Technical Proposal requires that the Contractor develop and maintain written on-road inspection procedures to be approved by IEPA. In addition, the Contractor is to provide and maintain as part of the system on-

road testing information containing vehicle and test results obtained from the on-road testing program. The Contractor will be responsible for evaluating all on-road emission data, including linking emissions data with vehicle database records. EPA is approving this section of the Illinois plan.

IV. Final Rulemaking Action

EPA is approving the sections addressed above as a revision to the Illinois SIP for an enhanced I/M program. The sections discussed in this notice were conditionally approved on July 25, 1996, and EPA is approving them based on the State's June 21, 1997, and December 9, 1998, submittal of the final signed I/M contract and additional documentation addressing the requirements of EPA's conditional approval.

The EPA is publishing this rule without prior proposal because EPA views this as a noncontroversial revision and anticipates no adverse comments. However, in a separate document in this **Federal Register** publication, the EPA is proposing to approve the State Plan should adverse written comments be filed. This rule will be effective without further notice unless the Agency receives relevant adverse written comment by March 24, 1999. Should the Agency receive such comments, it will publish a final rule informing the public that this action will not take effect. Any parties interested in commenting on this action should do so at this time. If no such comments are received, the public is advised that this action will be effective on April 23, 1999.

V. Administrative Requirements

A. Executive Order 12866

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

B. Executive Order 12875

Under E.O. 12875, EPA may not issue a regulation that is not required by statute and that creates a mandate upon a State, local or tribal government, unless the Federal government provides the funds necessary to pay the direct compliance costs incurred by those governments. If the mandate is unfunded, EPA must provide to the Office of Management and Budget a description of the extent of EPA's prior consultation with representatives of affected State, local and tribal governments, the nature of their concerns, copies of written communications from the governments, and a statement supporting the need to issue the regulation. In addition, E.O. 12875 requires EPA to develop an effective process permitting elected officials and other representatives of State, local and tribal governments ''to provide meaningful and timely input in the development of regulatory proposals containing significant unfunded mandates.'' Today's rule does not create a mandate on State, local or tribal governments. The rule does not impose any enforceable duties on these entities. Accordingly, the requirements of section 1(a) of E.O. 12875 do not apply to this rule.

C. Executive Order 13045

Protection of Children from Environmental Health Risks and Safety Risks (62 FR 19885, April 23, 1997), applies to any rule that: (1) is determined to be ''economically significant'' as defined under E.O. 12866, and (2) concerns an environmental health or safety risk that EPA has reason to believe may have a disproportionate effect on children. If the regulatory action meets both criteria, the Agency must evaluate the environmental health or safety effects of the planned rule on children, and explain why the planned regulation is preferable to other potentially effective and reasonably feasible alternatives considered by the Agency. This rule is not subject to E.O. 13045 because it does not involve decisions intended to mitigate environmental health or safety risks.

D. Executive Order 13084

Under E.O. 13084, EPA may not issue a regulation that is not required by statute, that significantly affects or uniquely affects the communities of Indian tribal governments, and that imposes substantial direct compliance costs on those communities, unless the Federal government provides the funds necessary to pay the direct compliance costs incurred by the tribal governments. If the mandate is unfunded, EPA must provide to the OMB, in a separately identified section of the preamble to the rule, a description of the extent of EPA's prior consultation with representatives of affected tribal governments, a summary of the nature of their concerns, and a statement supporting the need to issue the regulation. In addition, E.O. 13084 requires EPA to develop an effective process permitting elected officials and other representatives of tribal governments ''to provide meaningful and timely input in the development of regulatory policies on matters that significantly or uniquely affect their communities.'' Today's rule does not significantly or uniquely affect the communities of Indian tribal governments. Accordingly, the requirements of section 3(b) of E.O. 13084 do not apply to this rule.

E. Regulatory Flexibility Act

The Regulatory Flexibility Act (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 final rule will not have a significant impact on a substantial number of small entities because SIP approvals under section 110 and subchapter I, part D of the Clean Air Act (CAA) do not create any new requirements, but simply approve requirements that the State is already imposing. Therefore, because the Federal SIP approval does not create any new requirements, I certify that this action will not have a significant economic impact on a substantial number of small entities. Moreover, due to the nature of the Federal-State relationship under the CAA, preparation of a flexibility analysis would constitute Federal inquiry into the economic reasonableness of State action. The CAA forbids EPA to base its actions concerning SIPs on such grounds. Union Electric Co. V. EPA., 427 U.S. 246, 256–66 (1976); 42 U.S.C. 7410(a)(2).

F. Unfunded Mandates

Under section 202 of the Unfunded Mandates Reform Act of 1995 (''Unfunded Mandates Act''), signed into law on March 22, 1995, EPA must prepare a budgetary impact statement to accompany any proposed or final rule that includes a Federal mandate that may result in estimated annual costs to State, local, or tribal governments in the aggregate; or to private sector, of $100 million or more. Under section 205, EPA must select the most cost-effective and least burdensome alternative that achieves the objectives of the rule and is consistent with statutory requirements. Section 203 requires EPA to establish a plan for informing and advising any small governments that may be significantly or uniquely impacted by the rule. EPA has determined that the approval action promulgated does not include a Federal mandate that may result in estimated

annual costs of $100 million or more to either State, local, or tribal governments in the aggregate, or to the private sector. This Federal action approves pre-existing requirements under State or local law, and imposes no new requirements. Accordingly, no additional costs to State, local, or tribal governments, or to the private sector, result from this action.

G. Submission to Congress and the Comptroller General

The Congressional Review Act, 5 U.S.C. 801 *et seq.*, as added by the Small Business Regulatory Enforcement Fairness Act of 1996, generally provides that before a rule may take effect, the agency promulgating the rule must submit a rule report, which includes a copy of the rule, to each House of the Congress and to the 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**. A major rule cannot take effect until 60 days after it is published in the **Federal Register**. This rule is not a ''major rule'' as defined by 5 U.S.C. 804(2).

H. Petitions for Judicial Review

Under section 307(b)(1) of the CAA, petitions for judicial review of this action must be filed in the United States Court of Appeals for the appropriate circuit by April 23, 1999. Filing a petition for reconsideration by the Administrator of this final rule does not affect the finality of this rule for the purposes of judicial review, nor does it extend the time within which a petition for judicial review may be filed, and shall not postpone the effectiveness of such rule or action. This action may not be challenged later in proceedings to enforce its requirements. (See section 307(b)(2)).

List of Subjects in 40 CFR Part 52

Environmental protection, Air pollution control, Carbon monoxide, Incorporation by reference, Nitrogen oxide, Ozone, Volatile organic compounds.

Dated: January 28, 1999.

David A. Ullrich,

Acting Regional Administrator, Region V.

For the reasons stated in the preamble, part 52, chapter I, title 40 of the Code of Federal Regulations is amended as follows:

PART 52—[AMENDED]

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

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

Subpart O—Illinois

2. Section 52.720 is amended by adding paragraph (c)(147) to read as follows:

§ 52.720 Identification of plan.

* * * * *

(c) * * *

(147) On June 21, 1997, and December 9, 1998, the State of Illinois submitted regulations adopted by the Illinois Pollution Control Board and the Illinois Environmental Protection Agency and legislation adopted by the General Assembly and signed by the Governor related to Illinois' vehicle inspection and maintenance (I/M) program. The purpose of these submittals was to change the existing program from a basic I/M program to a fully enhanced I/M program. These changes modify the program in both the Chicago and Saint Louis (Illinois Portion) Ozone nonattainment areas.

(i) Incorporation by reference.

(A) Illinois Administrative Code, Title 35: Environmental Protection, Subtitle B: Air Pollution, Chapter I: Pollution Control Board, Subchapter k: Emission Standards and Limitations for Mobile sources, Part 240 Mobile Sources, Except for Section 240. Table C. Adopted at 22 *Ill. Reg.* 13723, effective July 13, 1998.

(B) Illinois Administrative Code, Title 35: Environmental Protection, Subtitle B: Air Pollution, Chapter I: Pollution Control Board, Subchapter k: Emission Standards and Limitations for Mobile sources, Part 240 Mobile Sources, Section 240. Table C. Corrected at 22 *Ill. Reg.* 21120, effective July 13, 1998.

(C) Illinois Administrative Code, Title 35: Environmental Protection, Subtitle B: Air Pollution, Chapter II: Environmental Protection Agency, Part 276 Procedures to be Followed in the Performance of Inspections of Motor Vehicle Emissions. Amended at 22 *Ill. Reg.* 18867, effective September 28, 1998.

(ii) Other materials.

(A) Transmittal letters dated June 21, 1997, and December 9, 1998.

(B) Public Act 90–475, effective August 17, 1997. This Act amends the Illinois Environmental Protection Act by changing Sections 3.32, 3.78, 21, and 22.15 and adding Sections 3.78a and 22.38.

§ 52.726 [Revised]

3. Section 52.726 is revised by removing and reserving paragraph (m).

[FR Doc. 99–3520 Filed 2–19–99; 8:45 am]

BILLING CODE 6560–50–P

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 70

[WY–001a; FRL–6234–3]

Clean Air Act Full Approval of Operating Permit Program; Approval of Expansion of State Program Under Section 112(l); State of Wyoming

AGENCY: Environmental Protection Agency (EPA).

ACTION: Direct final rule.

SUMMARY: The EPA is promulgating full approval of the Operating Permit Program submitted by the State of Wyoming. Wyoming's operating permit program was submitted for the purpose of meeting the federal Clean Air Act directive that states develop, and submit to EPA, programs for issuing operating permits to all major stationary sources and to certain other sources within the states' jurisdiction. EPA is also approving the expansion of Wyoming's program for receiving delegation of section 112 standards to include non-part 70 sources.

DATES: This direct final rule is effective on April 23, 1999 without further notice, unless EPA receives adverse comment by March 24, 1999. If adverse comment is received, EPA will publish a timely withdrawal of the direct final rule in the **Federal Register** and inform the public that the rule did not take effect.

ADDRESSES: Written comments may be mailed to Richard R. Long, Director, Air and Radiation Program, Mailcode 8P–AR, Environmental Protection Agency (EPA), Region VIII, 999 18th Street, Suite 500, Denver, Colorado 80202–2466. Copies of the documents relevant to this action are available for public inspection during normal business hours at the Air and Radiation Program, Environmental Protection Agency, Region VIII, 999 18th Street, Suite 500, Denver, Colorado, 80202–2466. Copies of the State documents relevant to this action are available for public inspection at the Wyoming Department of Environmental Quality, 122 W. 25th Street, Cheyenne, WY 82002.

FOR FURTHER INFORMATION CONTACT: Patricia Reisbeck, EPA, Region 8, (303) 312–6435.

SUPPLEMENTARY INFORMATION:

I. Background

As required under title V of the Clean Air Act (''the Act'') as amended (42 U.S.C. 7401 *et seq.*), EPA has promulgated rules that define the minimum elements of an approvable state operating permit program and the corresponding standards and procedures by which the EPA will approve, oversee, and withdraw approval of state operating permit programs (see 57 FR 32250 (July 21, 1992)). These rules are codified at 40 Code of Federal Regulations (CFR) part 70. Title V directs states to develop, and submit to EPA, programs for issuing operating permits to all major stationary sources and to certain other sources.

The Act directs states to develop and submit operating permit programs to the EPA by November 15, 1993, and requires that EPA act to approve or disapprove each program within 1 year after receiving the submittal. The EPA's program review occurs pursuant to section 502 of the Act (42 U.S.C. 7661a) and the part 70 regulations, which together outline criteria for approval or disapproval. Where a program substantially, but not fully, meets the requirements of part 70, EPA may grant the program interim approval. If EPA has not fully approved a program by two years after the November 15, 1993 date, or by the end of an interim program, it must establish and implement a federal program. The State of Wyoming was granted final interim approval of its program on January 19, 1995 (see 60 FR 3766) and the program became effective on February 21, 1995. Interim approval of the Wyoming program expires on June 1, 2000.

II. Final Action

A. Analysis of State Submission

The Governor of Wyoming submitted an administratively complete title V operating permit program for the State of Wyoming on November 19, 1993. This program includes state regulations at section 30 of the Wyoming Air Quality Standards and Regulations (WAQSR). EPA deemed the program administratively complete in a letter to the Governor dated January 4, 1994. The program submittal includes a legal opinion from the Attorney General of Wyoming stating that the laws of the State provide adequate legal authority to carry out all aspects of the program, and a description of how the State intends to implement the program. The submittal additionally contains evidence of proper adoption of the program regulations, application and permit forms, and a permit fee demonstration.

On May 10, 1994, EPA sent a letter to the State identifying areas in which the Wyoming program was deficient and the corrective actions that were to be completed either prior to interim program approval or prior to full program approval. In a letter dated June 7, 1994, the State addressed all issues necessary to receive interim approval of the Wyoming program.

On October 15, 1997, the State submitted revisions to its operating permit program regulations (section 30 of the WAQSR) that were effective August 19, 1997 and on October 26, 1998, the State submitted a supplemental Attorney General opinion clarifying the scope of the exception from Title V application requirements for insignificant activities. The revised program regulations adequately addressed those issues identified in the January 19, 1995 **Federal Register** document as requiring corrective action prior to full program approval. The State also submitted evidence of proper adoption of the revisions to its program regulations. In addition, statutory deficiencies identified by EPA, specifically in W.S. 35–11–901, were corrected by legislative amendments enacted during the 1995 Wyoming Legislative session that became effective on July 1, 1995. Finally, in a separate letter, dated July 10, 1997, the State officially requested approval under section 112(l) of the Act of its program mechanism for receiving delegation of all existing and future section 112(d) standards applicable to non-part 70 sources of hazardous air pollutants, by incorporating by reference the relevant EPA standards.

Areas in the Wyoming program that were identified by EPA as deficient and the State's corrective actions for full program approval consist of the following:

(1) Section 30(a)(ix) of the WAQSR states that research and development (R&D) operations are considered to be separate and discrete stationary sources for purposes of determining whether such operations are subject to the program. However, if an R&D facility is a ''support facility'' (i.e., co-located with another source under common ownership or control, with 50 percent of the output of the support unit being used by the main activity), the emissions from such an R&D facility must be included along with all other emissions at the source to determine applicability of section 30 of the WAQSR. Section 30(a)(ix) of the WAQSR was revised to assure that R&D support facilities are included in major source determinations.

(2) The Wyoming Environmental Quality Act (WEQA), W.S. 35–11–901, reduced the penalty for civil violations by surface coal mine operations from a maximum of ten thousand dollars per day to five thousand dollars per day. This language was replaced at W.S. 35–11–902 to clearly indicate that the five thousand dollar penalty relates only to activities subject to the Surface Mining Control and Reclamation Act.

(3) The WEQA originally based individual and corporate liability on knowing and willful violations of the WEQA. The WEQA was revised at W.S. 35–11–901(a)(i) to provide for strict liability for corporate officers, directors and agents in all civil actions.

(4) The WEQA did not provide for a per day, per violation penalty for false statements or tampering with monitoring devices. The State statute was revised at W.S. 35–11–901(j) and (k) to provide a per day, per violation penalty.

(5) Originally, section 30 of the WAQSR required insignificant activities to be listed in permit applications, but did not require applicants to identify the applicable requirements that might apply to such activities. The general provision of 40 CFR 70.5(c) requires that information concerning all applicable requirements must be included in the application. Section 30(c)(ii)(A)(III)(1) of the WAQSR was revised to include language similar to the general provision in 40 CFR 70.5(c), clarifying that the State will ensure that all applicable requirements are identified for any insignificant activities. By letter dated October 26, 1998, the Attorney General for Wyoming submitted a revised Attorney General's opinion to further clarify that, under the revised rule pertaining to insignificant activities, permit applications must include ''sufficient information'' for determining the applicability of or to impose applicable requirements on such activities.

(6) The original provision in section 30 regarding general permits was inconsistent with 40 CFR 70.6(d), because it appeared not to require notice and an opportunity for public participation consistent with 40 CFR 70.7(h). Section 30(i)(ii) was revised to clarify that public notice and comment requirements apply to the issuance of general permits.

(7) In the **Federal Register** notice proposing interim approval of the Wyoming program, EPA stated that, prior to full program approval, the State must clarify that section 30(h)(i)(J) provides the State with authority to implement emissions trading under a permit cap, which is required by 40 CFR

70.4(b)(12)(iii), or revise section 30 to provide such authority. In a letter dated November 16, 1994, the State clarified that it has authority to implement emissions trading under a permit cap. EPA concurs with the State's authority to implement this provision.

(8) The 1995 **Federal Register** notice of final interim approval asked the State to provide a definition of ''Indian lands.'' The EPA has since determined that this question of ascertaining the State's definition of ''Indian lands'' is not required to be addressed for full approval of the State program, because EPA's **Federal Register** document granting interim approval made it clear that approval of Wyoming's program did not extend to lands within the exterior boundaries of Indian Reservations and thus does not extend to Indian country as defined by 18 U.S.C. 1151. A State definition of Indian lands would not change the geographic scope of the approved program, nor would it meet any requirement of part 70. This decision was conveyed to the State in a letter from EPA dated July 31, 1995.

B. Program for Straight Delegation of Section 112 Standards

Requirements for program approval, specified in 40 CFR 70.4(b), encompass requirements under section 112(l)(5) of the Act for delegation of 40 CFR part 63, subpart A, and section 112 standards as promulgated by EPA. Section 112(l)(5) requires that the State's hazardous air pollutant control program contain adequate authorities, adequate resources for implementation, and an expeditious compliance schedule. EPA granted approval of the State's program, under section 112(l)(5) and 40 CFR 63.91, for receiving delegation of section 112 standards that are unchanged from the Federal standards as promulgated for part 70 sources, in the **Federal Register** document promulgating final interim approval of the Wyoming program (see 60 FR 3766). Based on the State's request, EPA is expanding this approval to include non-part 70 sources. EPA believes this expanded approval is warranted because State law does not differentiate between part 70 and non-part 70 sources for purposes of implementation and enforcement of section 112 standards that the State adopts. This approval would not, by itself, delegate authority to the State to enforce specific section 112 standards, but instead would establish a basis for the State to request and receive future delegation of authority to implement and enforce, for non-part 70 sources, section 112 standards that the State adopts without change.

C. Final Action

The EPA is granting full approval of the Wyoming operating permit program and, based on a State request, is expanding its approval of the State's program under section 112(l)(5) and 40 CFR 63.91 for receiving delegation of section 112 standards that are unchanged from the Federal standards, to include non-part 70 sources.

In Wyoming's part 70 program submission, the State indicated that it is not seeking approval from EPA to administer the State's part 70 program to sources on Indian lands in Wyoming. In this document, EPA is approving Wyoming's part 70 program for all areas within the State except the following: lands within the exterior boundaries of Indian Reservations (including the Wind River Indian Reservation) and any other areas which are ''Indian Country'' within the meaning of 18 U.S.C. 1151.

The EPA is publishing this rule without prior proposal because the State is currently implementing its part 70 program and the Agency views this as a noncontroversial action and anticipates no adverse comments. However, in the proposed rules section of this **Federal Register** publication, EPA is publishing a separate document that will serve as the proposal to grant full approval of the operating permit program submitted by the State of Wyoming should adverse comments be filed. This rule will be effective April 23, 1999 without further notice unless the Agency receives adverse comments by March 24, 1999.

If the EPA receives such comments, then EPA will publish a timely withdrawal in the **Federal Register** informing the public that the rule will not take effect. All public comments received will then be addressed in a subsequent final rule based on the proposed rule. The EPA will not institute a second comment period on this action. Any parties interested in commenting on this rule must do so at this time.

III. Administrative Requirements

A. Executive Order 12866

The Office of Management and Budget has exempted this regulatory action from Executive Order 12866, entitled ''Regulatory Planning and Review.''

B. Executive Order 12875

Under Executive Order 12875, EPA may not issue a regulation that is not required by statute and that creates a mandate upon a state, local, or tribal government, unless the Federal government provides the funds necessary to pay the direct compliance costs incurred by those governments, or EPA consults with those governments. If EPA complies by consulting, E.O. 12875 requires EPA to provide to the Office of Management and Budget a description of the extent of EPA's prior consultation with representatives of affected state, local, and tribal governments, the nature of their concerns, copies of any written communications from the governments, and a statement supporting the need to issue the regulation. In addition, E.O. 12875 requires EPA to develop an effective process permitting elected officials and other representatives of state, local, and tribal governments ''to provide meaningful and timely input in the development of regulatory proposals containing significant unfunded mandates.'' Today's rule does not create a mandate on state, local or tribal governments. The rule does not impose any enforceable duties on these entities. Accordingly, the requirements of section 1(a) of E.O. 12875 do not apply to this rule.

C. Executive Order 13045

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

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

D. Executive Order 13084

Under Executive Order 13084, EPA may not issue a regulation that is not required by statute, that significantly or uniquely affects the communities of Indian tribal governments, and that imposes substantial direct compliance costs on those communities, unless the Federal government provides the funds necessary to pay the direct compliance costs incurred by the tribal governments, or EPA consults with those governments. If EPA complies by consulting, E.O. 13084 requires EPA to provide to the Office of Management and Budget, in a separately identified section of the preamble to the rule, a description of the extent of EPA's prior

consultation with representatives of affected tribal governments, a summary of the nature of their concerns, and a statement supporting the need to issue the regulation. In addition, Executive Order 13084 requires EPA to develop an effective process permitting elected officials and other representatives of Indian tribal governments ''to provide meaningful and timely input in the development of regulatory policies on matters that significantly or uniquely affect their communities.'' Today's rule does not significantly or uniquely affect the communities of Indian tribal governments. This action does not involve or impose any requirements that affect Indian Tribes. Accordingly, the requirements of section 3(b) of E.O. 13084 do not apply to this rule.

E. Regulatory Flexibility Act

The Regulatory Flexibility Act (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 final rule will not have a significant impact on a substantial number of small entities because part 70 approvals under section 502 of the Act do not create any new requirements but simply approve requirements that the State is already imposing. Therefore, because this approval does not create any new requirements, I certify that this action will not have a significant economic impact on a substantial number of small entities.

F. Unfunded Mandates

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

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

G. Submission to Congress and the Comptroller General

The Congressional Review Act, 5 U.S.C. 801 *et seq.*, as added by the Small Business Regulatory Enforcement Fairness Act of 1996, generally provides that before a rule may take effect, the agency promulgating the rule must submit a rule report, which includes a copy of the rule, to each House of 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).

H. Petitions for Judicial Review

Under section 307(b)(1) of the Clean Air Act, petitions for judicial review of this action must be filed in the United States Court of Appeals for the appropriate circuit by April 23, 1999. Filing a petition for reconsideration by the Administrator of this final rule does not affect the finality of this rule for the purposes of judicial review nor does it extend the time within which a petition for judicial review may be filed, and shall not postpone the effectiveness of such rule or action. This action may not be challenged later in proceedings to enforce its requirements. (See section 307(b)(2).)

List of Subjects in 40 CFR Part 70

Environmental protection, Administrative practice and procedure, Air pollution control, Intergovernmental relations, Operating permits, and Reporting and recordkeeping requirements.

Dated: January 28, 1999.

William P. Yellowtail,

Regional Administrator,

Region VIII.

40 CFR part 70, chapter I, title 40 of the Code of Federal Regulations is amended as follows:

PART 70—[AMENDED]

1. The authority citation for part 70 continues to read as follows:

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

2. In appendix A to part 70 the entry for Wyoming is amended by revising paragraph (b) to read as follows:

Appendix A to Part 70—Approval Status of State and Local Operating Permits Programs

* * * * *

Wyoming

(b) The Wyoming Department of Environmental Quality submitted an operating permits program on November 19, 1993; interim approval effective on February 21, 1995; revised August 19, 1997; full approval effective on April 23, 1999.

[FR Doc. 99–4141 Filed 2–19–99; 8:45 am]

BILLING CODE 6560–50–P

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 180

[OPP–300451A; FRL–5600–4]

Formic Acid; Tolerance Exemptions

AGENCY: Environmental Protection Agency (EPA).

ACTION: Final rule.

SUMMARY: This regulation establishes exemptions from the requirement of a tolerance for residues of the pesticide formic acid in or on honey and beeswax when used to control tracheal mites and suppress varroa mites in bee colonies and applied in accordance with label directions.

DATES: This regulation becomes effective February 22, 1999. Objections and requests for hearings must be received by EPA on April 23, 1999.

ADDRESSES: Written objections and hearing requests, identified by the docket number [OPP–300451A], may be submitted to Hearing Clerk (1900), Environmental Protection Agency, Rm. M3708, 401 M St., SW., Washington, DC 20460. A copy of any objections and hearing requests filed with the Hearing Clerk should be identified by the document control number and submitted to: Public Information and Records Integrity Branch, Information Resources and Services Division (7502C), Office of Pesticide Programs, Environmental Protection Agency, 401 M St., SW., Washington, DC 20460. In person, bring copy of objections and hearing requests to: Rm. 119, Crystal

Mall #2, 1921 Jefferson Davis Hwy., Arlington, VA 22202. Fees accompanying objections and hearing requests shall be labeled ''Tolerance Petition Fees'' and forwarded to: EPA Headquarters Accounting Operations Branch, OPP (Tolerance Fees), P.O. Box 360277M, Pittsburgh, PA 15251.

A copy of objections and hearing requests filed with the Hearing Clerk may also be submitted electronically by sending electronic mail (e-mail) to: opp-docket@epamail. epa.gov.

Copies of objections and hearing requests must be submitted as an ASCII file avoiding the use of special characters and any form of encryption. Copies of objections and hearing requests will also be accepted on disks in WordPerfect in 5.1 file format or ASCII format. All copies of objections and hearing requests in electronic form must be identified by the docket number (OPP–300451A). No Confidential Business Information (CBI) should be submitted through e-mail. Electronic copies of objections and hearing requests on this rule may be filed online at many Federal Depository Libraries. Additional information on electronic submissions can be found below in this document.

FOR FURTHER INFORMATION CONTACT: By mail: Diana Horne, c/o Product Manager (PM) 90, Biopesticides and Pollution Prevention Division (7511C), Environmental Protection Agency, 401 M St., SW., Washington, DC 20460. Office location, telephone number, and e-mail address: Rm. 902, Crystal Mall 2, 1921 Jefferson Davis Highway, Arlington, VA 22202, (703) 308–8367; e mail: horne.diana@epamail.epa.gov.

SUPPLEMENTARY INFORMATION: In the **Federal Register** of February 5, 1997 (62 FR 5370) (FRL–5584–6), EPA issued a proposal to amend 40 CFR part 180 by establishing a regulation pursuant to section 408(e) of the Federal Food, Drug, and Cosmetic Act (FFDCA), 21 U.S.C. 346a, to exempt from the requirement of a tolerance the residues of the pesticide formic acid in or on honey and beeswax. The proposal came in response to a petition filed by IR-4, Cook College, P.O. Box 231, Rutgers, The State University of New Jersey, New Brunswick, NJ 08903-0231, on behalf of Mann Lake, Ltd., County Road 40 and First St., Hackensack, MN, 56452.

I. Response to Comments

There were 12 comments received in response to the notice of filing of the petition to exempt formic acid from the requirement of a tolerance. Nine of the commenters urged the Agency to proceed with registration and to grant the tolerance exemption for formic acid. Most of the comments which raised questions regarding use of formic acid, related to the FIFRA registration decision. Although these comments were not strictly relevant to this tolerance exemption, EPA has responded to all of the comments below.

One of these nine commenters expressed concern regarding impacts of formic acid on short and long-term brood survivability, and potential absorption into brood nest wax, which might later be rendered and introduced into the market. It should be noted that in the United States, brood nest honey and wax are generally recycled in the bee colony, and not harvested for sale as either liquid or comb honey. However, if brood nest wax were to be marketed for non-food use, it would likely be heavily processed due to the marked discoloration of brood nest wax, thereby reducing potential formic acid residues. Regarding the brood survivability issue, one commenter submitted a research report entitled *Sublethal Effects of Three Acaricide Treatments on Honey Bee Colony Development and Honey Production*. This study investigated the effects of fluvalinate, menthol and formic acid (2 application methods) on colony development and honey production. Worker bee longevity, colony weight gain, adult bee mortality, brood viability, sealed brood area, returning foragers, pollen load weight, and emerged bee weight were not statistically different between fluvalinate- and formic acid-treated colonies, and control colonies. Brood viability, adult bee population, returning foragers, and honey production were not statistically different between menthol- and formic acid-treated colonies, and control colonies. Queen behavior patterns and the number of workers attending the queen were not statistically significant before versus after colonies were treated with formic acid. There were, however, small, but statistically significant decreases in bee longevity and sealed brood area in formic acid-treated colonies as compared to fluvalinate-treated colonies and controls. In addition, formic acid-treated colonies experienced slightly lower honey production than either menthol-treated or control colonies. The overall conclusions of the researcher are that formic acid is not detrimental to colony development or surplus honey production, and that the benefits gained from using formic acid to control parasitic bee mites far outweigh the slight decrease in sealed brood. One commenter urged the use of spearmint oil, which he considers less invasive, and one commenter expressed concern that beekeepers do not monitor the presence or numbers of tracheal mites before or after applying miticides. This same commenter urged the use of menthol as a less invasive alternative. The Agency supports the use of Integrated Pest Management (IPM) wherein pest population levels are monitored before application of a pesticide, and actively promotes the adoption of IPM practices using less environmentally invasive alternatives.

Based on the information, data, and findings described in the preamble to the proposed rule, EPA establishes the exemptions from the requirement of a tolerance as set forth below.

II. Objections and Hearing Requests

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

Any person may by April 23, 1999 file written objections to any aspect of this regulation and may also request a hearing on those objections. Objections and hearing requests must be filed with the Hearing Clerk, at the address given above (40 CFR 178.20). A copy of the objections and/or hearing requests filed with the Hearing Clerk should be submitted to the OPP docket for this rulemaking. The objections submitted must specify the provisions of the regulation deemed objectionable and the grounds for the objections (40 CFR 178.25). Each objection must be accompanied by the fee prescribed by 40 CFR 180.33(i). If a hearing is requested, the objections must include a statement of the factual issues on which a hearing is requested, the requester's contentions on such issues, and a summary of any evidence relied upon by the requestor (40 CFR 178.27). A request for a hearing will be granted if the Administrator determines that the material submitted shows the following: There is genuine and substantial issue of fact; there is a reasonable possibility that available evidence identified by the requestor would, if established, resolve one or more of such issues in favor of

the requester, taking into account uncontested claims or facts to the contrary; and resolution of the factual issues in the manner sought by the requestor would be adequate to justify the action requested (40 CFR 178.32). Information submitted in connection with an objection or hearing request may be claimed confidential by marking any part or all of that information as Confidential Business Information (CBI). Information so marked will not be disclosed except in accordance with procedures set forth in 40 CFR part 2. A copy of the information that does not contain CBI must be submitted for inclusion in the public record. Information not marked confidential may be disclosed publicly by EPA without prior notice.

III. Public Docket

A record has been established for this rulemaking under docket number [OPP–300451A] (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 public record is located in Room 119 of the Public Information and Records Integrity Branch, Information Resources and Services Division (7502C), Office of Pesticide Programs, Environmental Protection Agency, Crystal Mall #2, 1921 Jefferson Davis Highway, Arlington, VA 22202.

Electronic comments can be sent directly to EPA at:

opp-docket@epamail.epa.gov

Electronic comments must be submitted as an ASCII file avoiding the use of special characters and any form of encryption. The official record for this rulemaking, as well as the public version, as described above will be kept in paper form. Accordingly, EPA will transfer all comments received electronically into printed, paper form as they are received and will place the paper copies in the official rulemaking record which will also include all comments submitted directly in writing. The official rulemaking record is the paper record maintained at the address in **ADDRESSES** at the beginning of this document.

IV. Regulatory Assessment Requirements

A. Certain Acts and Executive Orders

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

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

B. Executive Order 12875

Under Executive Order 12875, entitled *Enhancing the Intergovernmental Partnership* (58 FR 58093, October 28, 1993), EPA may not issue a regulation that is not required by statute and that creates a mandate upon a State, local or tribal government, unless the Federal government provides the funds necessary to pay the direct compliance costs incurred by those governments. If the mandate is unfunded, EPA must provide to OMB a description of the extent of EPA's prior consultation with representatives of affected State, local, and tribal governments, the nature of their concerns, copies of any written communications from the governments, and a statement supporting the need to issue the regulation. In addition, Executive Order 12875 requires EPA to develop an effective process permitting elected officials and other representatives of State, local, and tribal governments ''to provide meaningful and timely input in the development of regulatory proposals containing significant unfunded mandates.''

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

C. Executive Order 13084

Under Executive Order 13084, entitled *Consultation and Coordination with Indian Tribal Governments* (63 FR 27655, May 19, 1998), EPA may not issue a regulation that is not required by statute, that significantly or uniquely affects the communities of Indian tribal governments, and that imposes substantial direct compliance costs on those communities, unless the Federal government provides the funds necessary to pay the direct compliance costs incurred by the tribal governments. If the mandate is unfunded, EPA must provide OMB, in a separately identified section of the preamble to the rule, a description of the extent of EPA's prior consultation with representatives of affected tribal governments, a summary of the nature of their concerns, and a statement supporting the need to issue the regulation. In addition, Executive Order 13084 requires EPA to develop an effective process permitting elected officials and other representatives of Indian tribal governments ''to provide meaningful and timely input in the development of regulatory policies on matters that significantly or uniquely affect their communities.''

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

IV. Submission to Congress and the Comptroller General

The Congressional Review Act, 5 U.S.C. 801 *et seq.*, as added by the Small Business Regulatory Enforcement Fairness Act of 1996, generally provides that before a rule may take effect, the Agency promulgating the rule must submit a rule report, which includes a

copy of the rule, to each House of the Congress and 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).

List of Subjects in 40 CFR Part 180

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

Dated: January 22, 1999.

Marcia E. Mulkey,

Director, Office of Pesticide Programs.

Therefore, 40 CFR chapter I is amended as follows:

PART 180—[AMENDED]

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

Authority: 21 U.S.C. 321(q), 346a and 371.

2. By adding new § 180.1178 to read as follows:

§ 180.1178 Formic acid; exemption from the requirement of a tolerance.

The pesticide formic acid is exempted from the requirement of a tolerance in or on honey and beeswax when used to control tracheal mites and suppress varroa mites in bee colonies, and applied in accordance with label use directions.

[FR Doc. 99–4295 Filed 2–19–99; 8:45 am]

BILLING CODE 6560–50–F

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

50 CFR Part 679

[Docket No. 981222314–8321–02; I.D. 021699B]

Fisheries of the Exclusive Economic Zone Off Alaska; Pollock in Statistical Area 620 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 pollock in Statistical Area 620 of the Gulf of Alaska (GOA). This action is necessary to prevent exceeding the interim 1999 pollock total allowable catch (TAC) for Statistical Area 620 established by the 1999 Interim Specifications and amended by the emergency interim rule implementing Steller sea lion protection measures for the pollock fisheries off Alaska.

DATES: Effective 1200 hrs, Alaska local time (A.l.t.), February 17, 1999, until superseded by the Final 1999 Harvest Specification for Groundfish, which will be published in the **Federal Register**.

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

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

The interim 1999 pollock TAC in Statistical Area 620 as amended by the emergency interim rule implementing Steller sea lion protection measures for the pollock fisheries off Alaska (64 FR 3437, January 22, 1999) is 11,652 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 interim TAC of pollock in Statistical Area 620 will soon be reached. Therefore, the Regional Administrator is establishing a directed fishing allowance of 11,152 mt, and is setting aside the remaining 500 mt as bycatch to support other anticipated groundfish fisheries. In accordance with § 679.20(d)(1)(iii), the Regional Administrator finds that this directed fishing allowance will soon be reached. NMFS is prohibiting directed fishing for pollock in Statistical Area 620 of the GOA.

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

Classification

This action responds to the best available information recently obtained from the fishery. It must be implemented immediately to prevent overharvesting the seasonal allocation of pollock in Statistical Areas 620. Providing prior notice and an opportunity for public comment is impracticable and contrary to the public interest. Further delay would only result in overharvest. NMFS finds for good cause that the implementation of this action should not be delayed for 30 days. Accordingly, under 5 U.S.C. 553(d), a delay in the effective date is hereby waived.

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

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

Dated: February 16, 1999.

Bruce C. Morehead,

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

[FR Doc. 99–4277 Filed 2–17–99; 3:09 pm]

BILLING CODE 3510–22–F

Proposed Rules

Federal Register
Vol. 64, No. 34
Monday, February 22, 1999

This section of the FEDERAL REGISTER contains notices to the public of the proposed issuance of rules and regulations. The purpose of these notices is to give interested persons an opportunity to participate in the rule making prior to the adoption of the final rules.

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 39

[Docket No. 99–NM–05–AD]

RIN 2120–AA64

Airworthiness Directives; McDonnell Douglas Model DC–9–80 Series Airplanes and Model MD–88 Airplanes

AGENCY: Federal Aviation Administration, DOT.

ACTION: Notice of proposed rulemaking (NPRM).

SUMMARY: This document proposes the adoption of a new airworthiness directive (AD) that is applicable to certain McDonnell Douglas Model DC–9–80 series airplanes and Model MD–88 airplanes. This proposal would require a one-time visual inspection to determine whether self-aligning nuts are installed at certain locations of the aft pressure bulkhead tee; and corrective actions, if necessary. This proposal is prompted by reports of failures of certain Hi-Lok pin fasteners of the aft pressure bulkhead tee due to installation of non-self-aligning nuts. The actions specified by the proposed AD are intended to prevent failure of certain Hi-Lok pin fasteners and subsequent gouging of the aft pressure bulkhead tee, which could result in fatigue cracking and reduced structural integrity of the airplane.

DATES: Comments must be received by April 8, 1999.

ADDRESSES: Submit comments in triplicate to the Federal Aviation Administration (FAA), Transport Airplane Directorate, ANM–114, Attention: Rules Docket No. 99–NM–05–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 The Boeing Company, Douglas Products Division, 3855 Lakewood Boulevard, Long Beach, California 90846, Attention: Technical Publications Business Administration, Dept. C1–L51 (2–60). This information may be examined at the FAA, Transport Airplane Directorate, 1601 Lind Avenue, SW., Renton, Washington; or at the FAA, Transport Airplane Directorate, Los Angeles Aircraft Certification Office, 3960 Paramount Boulevard, Lakewood, California.

FOR FURTHER INFORMATION CONTACT: Carl Fountain, Aerospace Engineer, Airframe Branch, ANM–120L, FAA, Transport Airplane Directorate, Los Angeles Aircraft Certification Office, 3960 Paramount Boulevard, Lakewood, California 90712–4137; telephone (562) 627–5222; fax (562) 627–5210.

SUPPLEMENTARY INFORMATION:

Comments Invited

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

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

Commenters wishing the FAA to acknowledge receipt of their comments submitted in response to this notice must submit a self-addressed, stamped postcard on which the following statement is made: ''Comments to Docket Number 99–NM–05–AD.'' The postcard will be date stamped and returned to the commenter.

Availability of NPRMs

Any person may obtain a copy of this NPRM by submitting a request to the FAA, Transport Airplane Directorate, ANM–114, Attention: Rules Docket No. 99–NM–05–AD, 1601 Lind Avenue, SW., Renton, Washington 98055–4056.

Discussion

The FAA has received reports of failures of certain Hi-Lok pin fasteners of the aft pressure bulkhead tee on certain McDonnell Douglas Model DC–9–80 series airplanes and Model MD–88 airplanes. These failed Hi-Lok pin fasteners were found during the first 10,000-flight-hour special surveillance inspection. The failures are attributed to the installation of non-self-aligning nuts. Investigation revealed that, certain Hi-Lok pins were installed through a tapered surface on the pressure bulkhead tee, and were attached to fasteners without self-aligning nuts. The nuts became loose and allowed the pins to gouge the aft pressure bulkhead tee. Loose or failed fasteners and subsequent gouging, if not detected and corrected, could result in fatigue cracking and reduced structural integrity of the airplane.

Explanation of Relevant Service Information

The FAA has reviewed and approved McDonnell Douglas Service Bulletin MD80–53–201, Revision 02, dated July 20, 1998, which describes procedures for a one-time visual inspection to determine whether self-aligning nuts are installed at certain locations of the aft pressure bulkhead tee; and corrective actions, if necessary. The corrective actions involve removal of any non-self-aligning nut; a visual inspection to detect gouges in the aft pressure bulkhead tee; repair of any gouges that are found to be within the specified limits; and installation of new self-aligning nuts. Accomplishment of the actions specified in the service bulletin is intended to adequately address the identified unsafe condition.

Explanation of Requirements of Proposed Rule

Since an unsafe condition has been identified that is likely to exist or develop on other products of this same type design, the proposed AD would require accomplishment of the actions specified in the service bulletin

described previously, except as discussed below.

Differences Between Proposed Rule and Service Bulletin

Operators should note that the service bulletin recommends that the inspection to determine whether self-aligning nuts are installed be performed at the operator's earliest practical maintenance period, and that certain non-self-aligning nuts be replaced when the engines have been removed for maintenance. However, the FAA has determined that such interpretive compliance times would not address the identified unsafe condition in a timely manner. In developing appropriate compliance times for this proposed AD, the FAA considered not only the manufacturer's recommendation, but the degree of urgency associated with addressing the subject unsafe condition, the average utilization of the affected fleet, the accessibility of the area to be replaced, and the time necessary to accomplish the replacement (approximately 8 hours). In light of all of these factors, the FAA finds that inspecting for non-self-aligning nuts within a 24-month compliance time and replacing any non self-aligning nut prior to further flight; to be warranted, in that it represents an appropriate interval of time allowable for affected airplanes to continue to operate without compromising safety.

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

Cost Impact

There are approximately 1,042 airplanes of the affected design in the worldwide fleet. The FAA estimates that 695 airplanes of U.S. registry would be affected by this proposed AD, and that it would take approximately 1 work hour per airplane to accomplish the proposed inspection, at an average labor rate of $60 per work hour. Based on these figures, the cost impact of the proposed inspection by this AD on U.S. operators is estimated to be $41,700, or $60 per airplane.

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: **McDonnell Douglas:** Docket 99–NM–05–AD.

Applicability: Model DC–9–81 (MD–81), DC–9–82 (MD–82), DC–9–83 (MD–83), and DC–9–87 (MD–87) series airplanes, and Model MD–88 airplanes; as listed in McDonnell Douglas Service Bulletin MD80–53–201, Revision 02, dated July 20, 1998; certificated in any category.

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

Compliance: Required as indicated, unless accomplished previously.

To prevent failure of certain Hi-Lok pin fasteners and subsequent gouging of the aft pressure bulkhead tee, which could result in fatigue cracking and reduced structural integrity of the airplane, accomplish the following:

(a) Within 24 months after the effective date of this AD, perform a one-time visual inspection to determine whether self-aligning nuts are installed at certain locations of the aft pressure bulkhead tee, in accordance with McDonnell Douglas Service Bulletin MD80–53–201, Revision 02, dated July 20, 1998.

(1) If all nuts installed are self-aligning, no further action is required by this AD.

(2) If any nut is determined to be non-self-aligning, prior to further flight, remove the existing nut and perform a one-time visual inspection to detect gouges in the aft pressure bulkhead tee on station Y=1338.000, in accordance with the service bulletin.

(i) If no gouge is detected, prior to further flight, install new self-aligning nuts in accordance with the service bulletin.

(ii) If any gouge is detected that is within the repair limits specified in the service bulletin, prior to further flight, repair the gouge and install new self-aligning nuts in accordance with the service bulletin.

(iii) If any gouge is detected that is outside the repair limits specified in the service bulletin, prior to further flight, repair in accordance with a method approved by the Manager, Los Angeles Aircraft Certification Office (ACO), FAA, Transport Airplane Directorate.

Note 2: Inspections, repairs, or replacements that have been accomplished prior to the effective date of this AD, in accordance with McDonnell Douglas Service Bulletin MD80–53–201, dated July 6, 1988, or Revision 1, dated March 22, 1991, are considered acceptable for compliance with the applicable action specified by 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, Los Angeles ACO. Operators shall submit their requests through an appropriate FAA Principal Maintenance Inspector, who may add comments and then send it to the Manager, Los Angeles ACO.

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

(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.

Issued in Renton, Washington, on February 12, 1999.

Darrell M. Pederson,

Acting Manager, Transport Airplane Directorate, Aircraft Certification Service.

[FR Doc. 99–4216 Filed 2–19–99; 8:45 am]

BILLING CODE 4910–13–U

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

24 CFR Part 203

[Docket No. FR–4251–N–02]

RIN 2502–AH00

Withdrawal of Proposed Rule on Suspension of Authority to Insure New FHA Single Family Mortgages on Indian Reservations Pursuant to Section 248 of the National Housing Act

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

ACTION: Withdrawal of proposed rule.

SUMMARY: This notice withdraws a proposed rule that would have suspended the authority of the HUD Secretary to provide FHA insurance pursuant to section 248 of the National Housing Act for mortgage loans made for the financing of single family homes on Indian reservations.

DATES: The proposed rule is withdrawn February 22, 1999.

FOR FURTHER INFORMATION CONTACT: Morris Carter, Office of Insured Single Family Housing, Room 9162, Department of Housing and Urban Development, 451 Seventh Street, SW, Washington, DC 20410. Telephone: (202) 708–3046. (This is not a toll-free number.) For hearing- and speech-impaired persons, this number may be accessed via TTY by calling the Federal Information Relay Service at 1–800–877–8339.

SUPPLEMENTARY INFORMATION:

Background

On February 3, 1998, at 63 FR 5660, the Department published for public comment a proposed rule that would amend 24 CFR 203.43h to suspend the FHA Section 248 program for mortgage insurance on Indian reservations. The suspension would be in effect whenever authority is available for HUD to guarantee loans under the Section 184 Indian Housing loan guarantee program.

The public comment period on the proposed rule expired on April 6, 1998. The Department received 34 comments, including 3 comments that had been submitted before publication of the proposed rule. The commenters were primarily Indian tribes or Indian housing authorities. HUD also received comments from the Native American Indian Housing Council, two State agencies, one Federal agency, a Federal Home Loan Bank, two lenders, and two individuals.

Every commenter opposed the proposed rule and supported continuation of the Section 248 program without suspension. The commenters pointed out several advantages of the Section 248 program over the Section 184 program, including: Section 248 is a permanent program independent of the appropriations process; Section 248 has lower upfront closing costs because no upfront MIP is required for General Insurance Fund programs; and Section 184 cannot be used for refinancing.

Upon consideration of these public comments, HUD has determined to withdraw its proposed rule to suspend the Section 248 program.

Accordingly, the proposed rule to amend 24 CFR 203.43h, published on February 3, 1998, at 63 FR 5660, entitled, *Suspension of Authority to Insure New FHA Single Family Mortgages on Indian Reservations Pursuant to Section 248 of the National Housing Act*, is hereby withdrawn.

Dated: February 12, 1999.

William C. Apgar,

Assistant Secretary for Housing-Federal Housing Commissioner.

[FR Doc. 99–4239 Filed 2–19–99; 8:45 am]

BILLING CODE 4210–27–P

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 52

[IL175–1b; FRL–6232–6]

Approval and Promulgation of Air Quality Implementation Plans; Illinois: Motor Vehicle Inspection and Maintenance

AGENCY: Environmental Protection Agency (EPA).

ACTION: Proposed rule.

SUMMARY: EPA is proposing to approve the remaining portions of a vehicle inspection and maintenance (I/M) State Implementation Plan (SIP) submitted by the State of Illinois on June 29, 1995, which were conditionally approved by EPA on June 25, 1996. The proposed approval of the conditionally approved portions of the plan is based on the State's June 21, 1997 and December 9, 1998 submittals of additional documentation addressing the requirements of EPA's conditional approval. This revision provides for the adoption and implementation of an enhanced I/M program in both the Chicago severe ozone nonattainment area and the Metro-East moderate ozone nonattainment area. In the final rules section of this **Federal Register**, EPA is approving this SIP revision as a direct final rule without prior proposal because EPA views this action as noncontroversial and anticipates no adverse comments. A detailed rationale for approving the SIP revision is set forth in the direct final rule. The direct final rule will become effective without further notice unless the EPA receives relevant adverse written comment. Should the EPA receive such comment, it will publish a timely withdrawal informing the public that the direct final rule will not take effect and such public comment received will be addressed in a subsequent final rule based on the proposed rule. If no adverse written comments are received, the direct final rule will take effect on the date stated in that document, and no further action will be taken on this proposed rule. The EPA does not plan to institute a second comment period on this action. Any parties interested in commenting on this action should do so at this time.

DATES: Written comments must be received on or before March 24, 1999.

ADDRESSES: Written comments should be mailed to: J. Elmer Bortzer, Chief, Regulation Development Section, Air Programs Branch (AR–18J), U.S. Environmental Protection Agency, Region 5, 77 West Jackson Boulevard, Chicago, Illinois 60604.

Copies of the State submittal and USEPA's analysis of it are available for inspection at: Regulation Development Section, Air Programs Branch (AR–18J), U.S. Environmental Protection Agency, Region 5, 77 West Jackson Boulevard, Chicago, Illinois 60604.

FOR FURTHER INFORMATION CONTACT: Francisco Acevedo, Regulation Development Section, Air Programs Branch (AR–18J), U.S. Environmental Protection Agency, Region 5, 77 West Jackson Boulevard, Chicago, Illinois 60604, (312) 886–6061.

SUPPLEMENTARY INFORMATION: For additional information see the direct final rule published in the rules section of this **Federal Register**.

Dated: January 28, 1999.

David A. Ullrich,

Acting Regional Administrator, Region V.

[FR Doc. 99–3521 Filed 2–19–99; 8:45 am]

BILLING CODE 6560–50–P

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 70

[WY–001b; FRL–6234–2]

Clean Air Act Proposed Full Approval of Operating Permit Program; Approval of Expansion of State Program Under Section 112(l); State of Wyoming

AGENCY: Environmental Protection Agency (EPA).

ACTION: Proposed rule.

SUMMARY: The EPA is taking direct final action to approve the operating permit program submitted by the State of Wyoming. Wyoming's program was submitted for the purpose of meeting the Federal Clean Air Act directive that states develop, and submit to EPA, programs for issuing operating permits to all major stationary sources and to certain other sources within the states' jurisdiction. In the ''Rules and Regulations'' section of this **Federal Register,** the EPA is promulgating full approval of the Wyoming program as a direct final rule without prior proposal because the Agency views this as a noncontroversial action and anticipates no adverse comments. A detailed rationale for the approval is set forth in the preamble to the direct final rule. In addition, EPA is also approving the expansion of Wyoming's program for receiving delegation of section 112 standards to include non-part 70 sources. If no adverse comments are received in response to this rule, no further activity is contemplated in relation to this rule. If EPA receives adverse comments, the direct final rule will be withdrawn and all public comments received will be addressed in a subsequent final rule based on this proposed rule. EPA will not institute a second comment period on this action. Any parties interested in commenting on this action should do so at this time.

DATES: Comments must be received in writing on or before March 24, 1999.

ADDRESSES: Written comments may be mailed to: Richard R. Long, Director, Air and Radiation Program, Mailcode 8P–AR, Environmental Protection Agency (EPA), Region VIII, 999 18th Street, Suite 500, Denver, Colorado 80202. Copies of the documents relevant to this action are available for public inspection during normal business at the above address. Copies of the State documents relevant to this action are available for public inspection at the Wyoming Department of Environmental Quality, Air Quality Division, 122 25th Street, Cheyenne, WY 82002.

FOR FURTHER INFORMATION CONTACT: Patricia Reisbeck, EPA, Region VIII, (303) 312–6435.

SUPPLEMENTARY INFORMATION: See the information provided in the Direct Final rule of the same title which is located in the Rules section of this **Federal Register.**

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

Dated: January 28, 1999.

William P. Yellowtail,

Regional Administrator, Region 8.

[FR Doc. 99–4142 Filed 2–19–99; 8:45 am]

BILLING CODE 6560–50–P

DEPARTMENT OF THE INTERIOR

Fish and Wildlife Service

50 CFR Part 17

RIN 1018–AE40

Endangered and Threatened Wildlife and Plants; Proposed Rule To Remove the Tinian Monarch From the Federal List of Endangered and Threatened Wildlife

AGENCY: Fish and Wildlife Service, Interior.

ACTION: Proposed rule and notice of petition finding.

SUMMARY: Under the authority of the Endangered Species Act of 1973 (Act), as amended, the U. S. Fish and Wildlife Service (Service) proposes to remove the Tinian monarch (*Monarcha takatsukasae*) from the Federal List of Endangered and Threatened Wildlife. The Tinian monarch is a bird endemic to the island of Tinian in the Mariana archipelago in the western Pacific Ocean. It was listed as endangered on June 2, 1970, because its populations were thought to be critically low due to the destruction of native forests by pre-World War II (WW II) agricultural practices and military activities during WW II. Forest bird surveys conducted by the Service in 1982 resulted in a population estimate of 40,000 monarchs. Based on the results of this survey, we downlisted the monarch to threatened status on April 6, 1987. A study of monarch breeding biology in 1994 and 1995 suggested a rough population estimate of 52,904 birds. In 1996, a replication of the 1982 surveys yielded a population estimate of 55,721 birds, a significant increase from 1982 levels. The 1996 survey also found significantly denser forest habitat from 1982 levels, which may reflect an increase in monarch habitat quality. This proposed rule acknowledges the increase in population numbers and the likely improvement in habitat quality. If made final this rule would remove Federal protection provided by the Act for this species. Removal of Federal protection for the Tinian monarch does not nullify protections provided by the government of the Commonwealth of the Northern Mariana Islands (CNMI) to the monarch as a protected wildlife species or its designation by CNMI as a threatened or endangered species. This proposal also constitutes a finding on a petition to delist this species.

DATES: We must receive comments from all interested parties by April 23, 1999. We must receive public hearing requests by April 8, 1999.

ADDRESSES: Send comments and materials concerning this proposal to the Field Supervisor, U.S. Fish and Wildlife Service, Pacific Islands Ecoregion, 300 Ala Moana Boulevard, Room 3–122, Box 50088, Honolulu, Hawaii 96850. Comments and materials received will be available for public inspection, by appointment, during normal business hours at the above address.

FOR FURTHER INFORMATION CONTACT: Michael R. Lusk, Staff Biologist, Pacific Islands Ecoregion, (see **ADDRESSES** section), telephone 808/541–3441; facsimile 808/541–3470.

SUPPLEMENTARY INFORMATION:

Background

The Tinian monarch, locally known as Chuchurican Tinian, was first recognized as a species in 1931, when it was described by Y. Yamashina (Takatsukasa and Yamashina 1931). It is a small (15 centimeters (6 inches)) flycatcher (Family Monarchidae) with light rufous underparts, olive-brown upper parts, dark brown wings and tail, and white rump and undertail coverts (Baker 1951). The monarch is endemic to the island of Tinian, CNMI. However, a recent examination of museum specimens by Peters (1996) suggests that a now extirpated population may have once existed on the island of Saipan, CNMI. The monarch inhabits a variety of forest types on Tinian, including native limestone forest (dominated by such species as *Ficus* spp., *Elaeocarpus joga*, *Mammea odorata*, *Guamia mariannae*, *Cynometra ramiflora*, *Aglaia mariannensis*, *Premna obtusifolia*, *Pisonia grandis*, *Ochrosia mariannensis*, *Neisosperma oppositifolia*, *Intsia bijuga*, *Melanolepis multiglandulosa*, *Eugenia* spp., *Pandanus* spp., *Artocarpus* spp., and *Hernandia* spp.), secondary vegetation (consisting primarily of *Acacia confusa*, *Albizia lebbeck*, *Casuarina equisetifolia*, *Cocos nucifera*, and *Delonix regia* with

some native species mixed in), and nearly pure stands of introduced *Leucaena leucocephala* (tangantangan) (Engbring *et al.* 1986, USFWS 1996).

Heavy disturbance of the island's native forests began in the 18th century when the Spaniards used Tinian as a supply island for Guam and maintained large herds of cattle and other ungulates on the island (Fosberg 1960). This trend continued, and in 1926 a Japanese company leased the entire island and cleared additional forested lands for sugarcane production (Belt Collins 1994). During WW II, most remaining native vegetation was destroyed or denuded by either military campaigns or military construction, though some suitable bird habitat still survived (Baker 1946). After the war, the U.S. military may have seeded the CNMI with tangantangan (USFWS 1995, 1996). Currently, the vegetation on Tinian is highly disturbed, with the single most predominant habitat type on Tinian being tangantangan thickets (Fosberg 1960, Engbring *et al.* 1986, Falanruw *et al.* 1989). According to Engbring *et al.* (1986), 38 percent of Tinian is dominated by tangantangan, while Falanruw *et al.* (1989) estimated 54 percent of the island to be covered in secondary vegetation, which in her definition included tangantangan thickets. Only 5 percent to 7 percent of the island is estimated to remain in native forest (Engbring *et al.* 1986, Falanruw *et al.* 1989), which is restricted to steep limestone escarpments (Falanruw *et al.* 1989).

In 1995, the annual census of Tinian recorded a human population of 2,628 residents. In 1986, Engbring *et al.* (1986) recorded the population as being less than 1,000. The majority of residents live in the island's only town of San Jose at the southwestern edge of the island. The northern two-thirds of the island (71 percent of the total island) is leased to the U.S. military for defense purposes (Belt Collins 1994). The remaining 29 percent of the island is divided between leased public property (67 percent), privately owned property (26 percent), and other public property (7 percent) (Deborah Clark, Marianas Public Land Corporation, pers. comm. 1998). Approximately 10 percent of the total island is devoted to agriculture, while another 30 to 50 percent is used for cattle grazing (Engbring *et al.* 1986, Belt Collins 1994).

We originally listed the Tinian monarch as endangered in 1970 (35 FR 8491) under the authority of the Endangered Species Conservation Act of 1969 (16 U.S.C. 668cc). We continued the endangered status of the monarch under the Endangered Species Act of 1973 (16 U.S.C. 1531–1544). We based our decision to list the monarch as endangered on an estimate by Gleize (1945) of 40–50 monarchs on Tinian after WW II (April 6, 1987, 52 FR 10890), although it is not clear if his report was an estimate of the number of birds he saw, or an estimate of the entire population. Pratt *et al.* (1979) suggested that this estimate represented only the number of birds Gleize observed in a specific, small part of the island. About the same time as Gleize, Downs (1946) reported that monarchs were restricted in distribution to distinct locations on the island, while Marshall (1949) considered the monarch to be abundant. In the late 1970s, Pratt *et al.* (1979) estimated monarchs to number in the tens of thousands and to prefer tangantangan thickets. In 1982, the Service conducted forest bird surveys of the southern islands in the Mariana archipelago. We found the monarch to be the second most abundant species on Tinian with a population estimate of 40,000, distributed throughout the island and across all forested habitat types (Engbring *et al.* 1986). Engbring *et al.* (1986) recommended the reassessment of the monarch's endangered status. This reassessment led to the reclassification of the Tinian monarch from endangered to threatened in 1987 (52 FR 10890).

Between 1994 and 1995, we conducted a life history study of the Tinian monarch and reported a population estimate of 52,904 monarchs. During this study we found that the native limestone forest may be preferred by monarchs over secondary and tangantangan forest types, based on the following—(1) monarch home range sizes were found to be four to five times smaller in native limestone forest than in secondary and tangantangan forests (home range sizes in limestone forest averaged 1,221 square meters (1,334 square yards), while home range sizes in secondary and tangantangan forest types averaged 5,196 and 6,385 square meters (5,679 and 6,979 square yards), respectively, indicating that native forest provides higher quality monarch habitat because smaller areas are able to support a monarch home range; (2) 64 percent of all monarch nests were constructed in native tree species; (3) of 114 monarch nests, we found 62 in native forest while only we found 52 in the secondary and tangantangan forest types combined, indicating that monarchs have higher nest densities in native forest; (4) nesting success in native limestone forest was greater than in secondary and tangantangan forest types (of 19 nests that produced nestlings, 13 were in native limestone forest and only 6 were in secondary forest and tangantangan forests combined); and (5) based on resightings of banded birds, we found monarch densities to be four to five times higher in limestone forest than in either secondary or tangantangan forest (30.7 birds/hectare (ha), 7.7 birds/ha, and 6.0 birds/ha, respectively) (USFWS 1996). Nevertheless, we found that the monarch was successfully foraging and breeding in secondary and tangantangan forests throughout the island and recommended that the threatened status of the monarch be reassessed (USFWS 1996).

Subsequently, we conducted a survey of the avifauna of Tinian in 1996 following the methodology of the 1982 surveys for comparative purposes. The 1996 survey estimated the monarch population at 55,721 birds, significantly higher than the 1982 estimates (Lusk *et al.* 1997). The 1996 survey also found that across all forest types, vegetation density had significantly increased from 1982 levels. This may be related to a marked decrease in grazing pressure in recent years (Lusk *et al.* 1997). We hypothesize that the increase in the Tinian monarch population is related to the increase in density of both native and introduced forest habitat types which may represent an increase in monarch habitat quality (Lusk *et al.* 1997).

Previous Federal Action

We classified the Tinian monarch as endangered on June 2, 1970 (35 FR 8495), and we included it as an endangered species under the Endangered Species Act (Act) of 1973, which superseded earlier endangered species legislation. The primary reasons for listing the monarch were presumed low numbers (April 6, 1987; 52 FR 10890) and the removal or destruction of forest by agriculture practices and/or military activities during WW II (November 1, 1985; 50 FR 45632). However, this listing was not based on actual surveys of the bird's status. Subsequently, in 1982, we conducted a survey and found an increase both in Tinian monarch numbers and suitable forest habitat (Engbring *et al.* 1986). On November 1, 1985 (50 FR 45632), the Service proposed that the monarch be removed from protection of the Act, as amended. Based on comments received, we chose to reclassify the monarch to threatened status, thus continuing protection of the species under the Act (April 6, 1987; 52 FR 10890). We did not designate critical habitat for the Tinian monarch. This delisting proposal serves as a positive finding on a petition

submitted by the National Wilderness Institute dated February 3, 1997, requesting delisting of the Tinian monarch.

Listing Priority Guidance

The Service has implemented a series of listing priority guidance policies since 1996 to clarify the order in which we will process rulemaking actions. The need for this guidance arose following major disruptions in our listing budget beginning in Fiscal Year 1995 and a moratorium on certain listing actions during parts of Fiscal Years 1995 and 1996. The intent of the guidance is to focus our efforts on listing actions that will provide the greatest conservation benefits to imperiled species in the most expeditious and biologically sound manner. Due to a large backlog of species in need of the Act's protection, the preparation of delisting rules was a low priority following the lifting of the moratorium in Fiscal Year 1996 and in Fiscal Year 1997.

Processing of this proposed delisting conforms with the Listing Priority Guidance for Fiscal Years 1998 and 1999 published on May 8, 1998 (63 FR 25502). This guidance gives highest priority (Tier 1) to processing emergency rules to add species to the Lists of Endangered and Threatened Wildlife and Plants; second priority (Tier 2) to processing final determinations on proposals to add species to the lists, processing new proposals to add species to the Lists, processing administrative findings on petitions (to add species to the lists, delist species, or reclassify listed species), and processing a limited number of proposed or final rules to delist or reclassify species; and third priority (Tier 3) to processing proposed or final rules designating critical habitat. Processing of this delisting proposal is a Tier 2 action.

Summary of Factors Affecting the Species

Section 4 of the Endangered Species Act and regulations (50 CFR part 424) promulgated to implement the listing provisions of the Act set forth the procedures for listing, reclassifying, or removing species from the Federal lists. We may determine a species as endangered or threatened due to one or more of the five factors described in section 4(a)(1). The data we use to support a removal must be the best scientific and commercial data available, and it must substantiate that the species is neither endangered nor threatened for one or more of the following reasons: extinction, recovery of the species, or an error in the original data that supported the classification. The factors considered and their application to the Tinian monarch are discussed below.

A. The Present or Threatened Destruction, Modification, or Curtailment of Its Habitat or Range

Surveys (1982, 1994–1995, 1996) conducted since the classification of the Tinian monarch as endangered in 1970 have shown an increase in the known abundance and distribution of this species. At the time of listing, we thought its numbers were critically low due to the destruction of native forests by pre-WW II agricultural practices and war-time military activities (50 FR 45632). However, no surveys for this species were conducted in the 20-plus years before the 1970 listing. The monarch inhabits approximately 62 percent of Tinian, of which approximately 93 percent is secondary and tangantangan vegetation (Engbring *et al.* 1986, USFWS 1996, Lusk *et al.* 1997). Although native limestone forest provides the preferred habitat of the monarch, secondary vegetation and tangantangan thickets also provide important breeding and foraging habitat (Engbring *et al.* 1986, USFWS 1996, Lusk *et al.* 1997).

Tinian has a total surface area of approximately 10,172 ha (25,135 acres) (Falanruw et al. 1989). Currently, the U.S. Navy leases the northern two-thirds of the island (71 percent of the total island) for defense purposes (Belt Collins 1994). This leased land encompasses roughly 75 percent of the total remaining monarch habitat on the island, but only about 30 percent of the total remaining native limestone forest. Therefore, we grossly estimate that about 70 percent of the monarch population (39,000 birds) now occurs on Navy-leased lands (Annie Marshall, U.S. Fish and Wildlife Service, pers. comm. 1998). The Navy entered into a 50-year lease agreement with the CNMI for these Tinian lands in 1983, with an option to renew for another 50 years (CNMI and USA 1994; Tim Sutterfield, Navy Fish and Wildlife Biologist, pers. comm. 1998). None of the current Tinian-leased lands are expected to be leased back to Tinian for the duration of the remaining 50-year contract, which expires in 2033 (T. Sutterfield, pers. comm. 1998). Approximately one-half of the lands under Navy lease are designated as Exclusive Military Use Area; the Navy allows grazing agriculture and other permitted uses on the remaining lands.

Activities in the Exclusive Military Use Area were outlined in the August 1998 Draft Environmental Impact Statement for Military Training in the Marianas. Most military activities on Tinian in the future will be the same as past actions, including field maneuvers, a variety of aviation training and air-cushioned landing craft training. Such training has had little to no impact on the Tinian monarch population in the past and we do not expect it to impact this species in the future. Other proposed land uses in this area include construction of a small logistics support base camp, security gates, a small arms range and a mortar range, and the use of two beaches for amphibious assault vehicle landings. These activities may involve minimal clearing of monarch habitat but we do not expect them to jeopardize the monarch population. No other construction activities are planned for the area.

On the other Navy-leased lands that are available for non-military activities, large portions already contain fields suitable for grazing, and grazing in these areas is not likely to significantly affect the monarch population. Agriculture in this area, which is defined in the lease as planting, cultivating and harvesting of crops or fruit or nut bearing trees, may involve minimal clearing. However, we do not expect this to occur on a large scale because water is limited, and there is no irrigation system to allow cultivation of large tracts of land. Other uses could include the small-scale construction of permanent structures, most likely in the form of small houses built close to agriculture or grazing areas. Based on past trends on Tinian, we do not anticipate major construction activities on Navy-leased lands.

Approximately 10 percent of the total island is devoted to agriculture (e.g., taro, sweet potato, eggplant, etc.) while another 30 percent to 50 percent is used for cattle grazing (Engbring *et al.* 1986, Belt Collins 1994). The number of cattle grazing on the island has been reduced dropped by approximately 60 percent over the last two decades and this reduced grazing pressure should increase forest densities (Lusk *et al.* 1997). As cattle grazing decreases and revenue is lost through this enterprise, lands outside of Navy lease areas may be developed to make up for lost revenues, while lands under Navy lease are more likely to regenerate because any large scale development of these lands is prohibited (CNMI and USA 1994). Therefore, even though land clearing on Tinian may increase as a result of resort and casino development, approximately 71 percent of the remaining land on Tinian is covered by Navy lease until 2033. After this time the Navy has the option to renew its lease for another 50 years.

Although there are currently no specific plans by the CNMI government to set aside any of the land now leased by the Navy as conservation areas, we have begun discussions with the government of Tinian and the Navy to set aside conservation areas as mitigation for project development on other areas of Tinian. The Federal Aviation Administration (FAA), in its Pre-Final Environmental Assessment for Airport Improvements at Tinian International Airport, proposes to set aside, in perpetuity, 379 ha of monarch habitat as mitigation with the CNMI government and the Navy.

We anticipate conversion of portions of the remaining forests of Tinian for agriculture, military activities, resort and casino development, and housing for a growing human population in the future. A four hundred-room casino was recently completed on Tinian and two more are in the planning stages; only a total of five are permitted for the island (Mike Fitzgerald, Telesource CNMI, pers. comm. 1998). Even if additional development is permitted, it is unlikely that development or habitat destruction will approach the level that occurred during WWII within the foreseeable future. WWII was a major event which, in conjunction with previous clearing for agriculture, culminated in the clearing of approximately 95 percent of Tinian's native forest. In addition, most of the best monarch habitat, native limestone forest, is likely to remain protected simply because the majority of it occurs along steep cliff faces which cannot be developed. If all forested lands on Tinian were developed, except for the native limestone forest along steep cliff faces and the Navy-leased lands, we estimate that enough habitat would remain to support a population of 41,791 monarchs (75 percent of the current population—70 percent on protected Navy lands and 5 percent in undevelopable native limestone forest outside Navy lands).

B. Overutilization for Commercial, Recreational, Scientific, or Educational Purposes

The monarch is a small song bird and is not threatened by or sought for commercial, recreational, scientific, or educational purposes.

C. Disease or Predation

There are no known avian disease or predation problems on Tinian. At present all bird species on Tinian appear to have healthy populations. Exotic predators, such as rats (*Rattus rattus*), cats (*Felis catus*), and monitor lizards (*Varanus indicus*), and native predators, such as collared kingfishers (*Halcyon chloris*) and Micronesian starlings (*Aplonis opacus*), are all potential predators of the monarch and currently exist on Tinian (USFWS 1996). However, the fact that the monarch population has increased over the past decade indicates that these predators are not limiting factors. There is concern on Tinian, as there is for all islands in Micronesia, that disease or additional predators might someday be introduced and pose a threat.

On Guam, in the southern Mariana Islands, the brown tree snake (*Boiga irregularis*), an introduced predator, has either extirpated or driven to extinction the majority of the native birds (Savidge 1987). There have been no sightings of brown tree snakes on Tinian since November 1995, when a total of four snakes were reported. No snakes have ever been captured on Tinian. However, with increased military activity and resort and casino construction on Tinian, the chance of an accidental introduction from Guam to Tinian is increased. In 1997, a cargo quarantine area, consisting of a hollow block wall with smooth finish and electrified mesh on top, was constructed at Tinian's port to hold incoming cargo for snake clearance. We required construction of the quarantine area as part of the Voice of America radio tower project on Tinian (USFWS 1995). A wildlife technician provided by the CNMI Division of Fish and Wildlife (DFW) maintains approximately 30 snake traps within the cargo quarantine area and around the entire port area (Vogt 1998). In addition, the CNMI DFW is tracking potential brown tree snake prey base species in the vicinity of the ports of Saipan, Tinian, and Rota as a method of early snake detection. Currently, the only potential prey monitored is the green anole lizard (*Anolis carolinensis*) population, but there are plans to monitor the shrew (*Suncus murinus*) population in the future as well (Vogt 1998). The CNMI Quarantine Division currently runs a sniffer dog program on Saipan that consists of two handlers and two dogs that check incoming cargo for brown tree snakes. The CNMI hopes to expand this program to Tinian and Rota by 1999. In addition, the CNMI conducts training for its DFW and Quarantine personnel with the U.S. Geological Survey Biological Resource Division and the U.S. Department of Agriculture Wildlife Services on Guam at least two to three times per year (Vogt 1998).

The Department of Defense is working with the Service toward the control of the snakes on Guam, particularly around transport centers (docks and airfields). We are actively funding research into methods of controlling the snakes on Guam, in part, to reduce the threat of introduction to the other islands in this area of the Pacific. Both the CNMI DFW and Guam Department of Aquatic and Wildlife Resources conduct active brown tree snake public awareness educational campaigns consisting of school presentations, news releases, workshops, and poster/pamphlet distribution.

The delisting of the Tinian monarch is not expected to influence the current and on-going brown tree snake control and prevention programs in the CNMI. Funding for and implementation of these programs are not dependent on species protected under the Act. In 1996, the CNMI became a signatory of the Memorandum of Agreement between the local governments of Hawaii, Guam and the CNMI, and individual Federal government agencies concerned with brown tree snake eradication and control. This MOU commits the CNMI to a proactive brown tree snake program and allows the CNMI to apply for funding from the allotment of money appropriated by the U.S. Congress each year for brown tree snake control.

The governor of the CNMI has also signed a directive making it a priority for the Ports Authority and related agencies to work with the CNMI Division of Fish and Wildlife to develop effective snake interdiction strategies. Because of this, the DFW has been able to get a commitment from the Ports Authority for a quarantine yard at the port on Saipan for high risk cargo. We believe the quarantine yard on Saipan will indirectly benefit Tinian by preventing the spread of brown tree snakes into the CNMI. In addition, all construction companies operating in the CNMI must have a snake control plan. A typical plan calls for inspection of cargo, snake searches and possibly running snake traps at the job site.

D. The Inadequacy of Existing Regulatory Mechanisms

The monarch is presently listed on the CNMI's list of Threatened or Endangered Species, although no local regulations have been promulgated to specifically protect species on this list. Species on the CNMI threatened and endangered list primarily benefit from name recognition rather than through specific statutory protections. There are, however, other CNMI laws and regulations that protect the monarch. Legal protection for the monarch comes from Public Law 2–51 which states that it is illegal to kill, capture or harass forest birds (except doves which can be hunted with a license), including their

eggs or offsprings. The monarch is considered ''protected wildlife'' under this law. Protected wildlife includes native forest birds, waterfowl, shorebirds, seabirds and marine mammals. There are few, if any, enforcement problems, because the monarch is not harvested for commercial, recreational, or other purposes.

Perhaps more important than regulations specifically protecting the monarch are laws that protect the overall integrity of the island ecosystem, such as quarantine laws. Quarantine regulations have been promulgated and are enforced by the CNMI government at airports and ports of entry. The U.S. military is self-regulatory and enforces its own quarantine regulations. Other CNMI laws that protect the environment and provide indirect benefit to the monarch include the Coastal Resource Management Act (Public Law 3–47) which was enacted February 11, 1983. This law established the Coastal Resources Management Office, Coastal Advisory Council, and the Appeals Board to encourage land-use master planning, the development of zoning and building code legislation, and to promote the wise development of coastal resources. The Environmental Protection Act (Public Law 2–23) was enacted October 8, 1982. It established the Division of Environmental Quality, in part, to maintain optimal levels of air, land and water quality to protect and preserve the public health and general welfare. The Soil and Water Conservation Act (Public Law 4–44) was enacted May 1, 1985. It created the Soil and Water Conservation Program within the Department of Natural Resources to promote soil and water conservation by preventing erosion. Finally, the Fish, Game and Endangered Species Act (Public Law 2–51) was enacted October 19, 1981. It established the Division of Fish and Wildlife to provide the conservation of fish, game and endangered species of plants and animals.

E. Other Natural or Manmade Factors Affecting Its Continued Existence

We know of no threats to the monarch by any other natural or manmade factors.

The regulations at 50 CFR 424.11(d) state that a species may be delisted if (1) it becomes extinct, (2) it recovers, or (3) the original classification data were in error. We have carefully assessed the best scientific and commercial information available regarding the past, present, and future threats faced by this species in determining to propose this rule. All available information indicates that the monarch has recovered from formerly depleted numbers following WW II, and analysis of the five factors described in section 4(a)(1) shows that the species no longer meets the Act's definitions of threatened or endangered. Therefore, we propose to remove the Tinian monarch from the List of Endangered and Threatened Wildlife.

Effects of This Rule

This rule, if made final, will revise § 17.11 (h) to remove the Tinian monarch from the Federal list of Endangered and Threatened Wildlife, and will formally recognize that this species is not likely to become an endangered species within the foreseeable future throughout all or a significant portion of its range. The prohibitions and conservation measures provided by the Act, particularly sections 7 and 9, will no longer apply to this species. Federal agencies would no longer need to consult with us to insure that any action they authorize, fund, or carry out is not likely to jeopardize the continued existence of the Tinian monarch.

The Tinian monarch is protected by the CNMI government (Public Law 2–51, 2 CMC 5108). Removal of Federal protection for the Tinian monarch does not nullify its protection by the local CNMI government. Future management actions conducted by both the CNMI government and the Service will primarily involve continuing to fund both research and implementation of brown tree snake control techniques to reduce the risk of introduction of snakes onto Tinian, but will also involve efforts to set aside parts of Tinian's forests as wildlife conservation areas.

Monitoring

The 1988 amendments to the Act (section 4(g)) require that all species that have been delisted due to recovery be monitored for at least 5 years following delisting. We intend to monitor the status of the Tinian monarch, in cooperation with the CNMI, through periodic field surveys of the distribution and population size of the monarch, monitoring of development and land clearing on Tinian, assessment of impacts of military training on Navy leased lands, and close monitoring of potential introduction of brown tree snakes onto the island.

Public Comments Solicited

Proposed Delisting

We intend that any final action resulting from this proposal be as accurate as possible. Therefore, we solicit comments or suggestions from the public, other concerned governmental agencies, the scientific community, industry, or any other interested party concerning this proposed rule. We particularly seek comments concerning:

(1) Biological, commercial trade, or other relevant data concerning any threat (or lack thereof) to this species;

(2) The location of any additional populations of this species;

(3) Additional information concerning range, distribution, and population sizes of this species; and

(4) Current or planned activities in the subject area and their possible impacts on this species.

Final promulgation of the regulation on this species will take into consideration the comments and any additional information we receive, and such communications may lead to a final determination that differs from this proposal.

The Endangered Species Act provides for one or more public hearings on this proposal, if requested. We must receive hearing requests within 45 days of the date of publication of the proposal in the **Federal Register**. You must make such requests in writing and address them to the Field Supervisor, Pacific Islands Ecoregion, U.S. Fish and Wildlife Service (see **ADDRESSES** section).

Executive Order 12866

Executive Order 12866 requires agencies to write regulations that are easy to understand. We invite your comments on how to make this proposal easier to understand including answers to questions such as the following: (1) Is the discussion in the **SUPPLEMENTARY INFORMATION** section of the preamble helpful in understanding the proposal? (2) Does the proposal contain technical language or jargon that interferes with its clarity? (3) Does the format of the proposal (grouping and order of sections, use of headings, paragraphing, etc.) aid or reduce its clarity? What else could we do to make the proposal easier to understand?

Send a copy of any comments that concern how we could make this notice easier to understand to: Office of Regulatory Affairs, Department of the Interior, Room 7229, 1849 C Street, NW, Washington, DC 20240. You may also e-mail the comments to: Exsec@ios.doi.gov.

National Environmental Policy Act

We have determined that Environmental Assessments and Environmental Impact Statements, as defined under the authority of the National Environmental Policy Act of

1969, need not be prepared in connection with regulations adopted pursuant to section 4(a) of the Endangered Species Act of 1973, as amended. A notice outlining our reasons for this determination was published in the **Federal Register** on October 25, 1983 (48 FR 49244).

Paperwork Reduction Act

Office of Management and Budget (OMB) regulations at 5 CFR 1320, which implement provisions of the Paperwork Reduction Act (44 U.S.C. 3501 *et seq.*), require that interested members of the public and affected agencies have an opportunity to comment on agency information collection and record keeping activities (see 5 CFR 1320.8(d)). The OMB regulations at 5 CFR 1320.3(c) defines a collection of information as the obtaining of information by or for an agency by means of identical questions posed to, or identical reporting, record keeping, or disclosure requirements imposed on ten or more persons. Furthermore, 5 CFR 1320.3(c)(4) specifies that ''ten or more persons'' refers to the persons to whom a collection of information is addressed by the agency within any 12-month period.

This rule does not include any collections of information that require approval by OMB under the Paperwork Reduction Act. The information needed to monitor the status of the Tinian monarch will be collected primarily by Service, Navy, and the CNMI DFW. We do not anticipate a need to request data or other information from the public, other than the DFW, to satisfy monitoring information needs. If it becomes necessary to collect information from ten or more individuals, groups, or organizations per year, we will first obtain information collection approval from OMB.

References Cited

A complete list of all references cited herein is available upon request from the Pacific Islands Ecoregion (see **ADDRESSES** section).

Author. The primary author of this proposed rule is Michael Lusk, Pacific Islands Ecoregion, U.S. Fish and Wildlife Service (see **ADDRESSES** section).

List of Subjects in 50 CFR Part 17

Endangered and threatened species, Exports, Imports, Reporting and recordkeeping requirements, Transportation.

Proposed Regulation Promulgation

For the reasons set out in the preamble, we hereby propose to amend part 17, subchapter B of chapter I, title 50 of the Code of Federal Regulations, as set forth below:

PART 17—[AMENDED]

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

Authority: 16 U.S.C. 1361–1407; 16 U.S.C. 1531–1544; 16 U.S.C. 4201–4245; Pub. L. 99–625, 100 Stat. 3500, unless otherwise noted.

§ 17.11 [Amended]

2. Amend § 17.11(h) by removing the entry ''Monarch, Tinian (old world flycatcher)'' under ''BIRDS'' from the List of Endangered and Threatened Wildlife.

Dated: January 7, 1999.

Jamie Rappaport Clark,

Director, Fish and Wildlife Service.

[FR Doc. 99–4206 Filed 2–19–99; 8:45 am]

BILLING CODE 4310–55–P

Notices

Federal Register
Vol. 64, No. 34
Monday, February 22, 1999

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

DEPARTMENT OF AGRICULTURE

Tobacco Root Vegetation Management Plan, Madison Ranger District, Beaverhead-Deerlodge National Forest, Madison County, Montana

AGENCY: Forest Service, USDA.

ACTION: Notice; intent to prepare environmental impact statement.

SUMMARY: The Forest Service will prepare an environmental impact statement (EIS) to document the analysis and disclose the environmental impacts of a proposed action to designate wildlife security blocks and treat 18,167 acres of vegetation. The project area is located in the southern Tobacco Root Mountains northwest of Ennis, Montana.

Designation of the wildlife security blocks would require an amendment to the Beaverhead National Forest Land and Resource Management Plan (Forest Plan). This amendment would identify 29 wildlife security blocks ranging in size from 220 to over 10,000 acres. These areas lie at least a quarter mile from a road or trail open to motorized use during the general hunting season. Guidelines limiting timber harvest and road construction in these security blocks would replace existing Forest Plan wildlife standards.

Over the next 10 years, the proposal would maintain open, park-like stands of Douglas-fir on 3,613 acres by thinning these stands using Stewardship Contracts, paying contractors or Forest Service employees to complete the work, or through commercial timber harvest and underburning. Primarily, posts and poles would be harvested on another 671 acres of stagnated lodgepole pine stands. An additional 1,423 acres of old harvest units would be thinned. These activities would require the construction of about 25 miles of temporary roads which would be obliterated after project completion. Aspen stands would be invigorated by cutting competing trees and burning to stimulate new growth from the aspen roots. To reestablish grasslands, an additional 12,460 acres would be treated using prescribed fire.

DATE: Initial comments concerning the scope of the analysis should be received in writing no later than March 5, 1999.

ADDRESSES: The responsible official is Deborah L.R. Austin, Forest Supervisor, 420 Barrett St., Dillon, MT 59725. Send written comments to Deborah L.R. Austin, Forest Supervisor, c/o Mark Petroni, District Ranger, 5 Forest Service Road, Ennis, Montana 59729.

FOR FURTHER INFORMATION CONTACT: Jan Bowey, Interdisciplinary Team Leader, Madison Ranger District, P.O. Box 428, Sheridan, MT 59749, or phone: (406) 842–5432.

SUPPLEMENTARY INFORMATION: Public participation is important to this analysis. Part of the goal of public involvement is to identify additional issues and to refine the general, tentative issues. A scoping notice describing the project was mailed to those who requested information on activities on the Beaverhead-Deerlodge National Forest. Three public field trips have been held to review the proposed activities. Additional public meetings are not planned. Montana Fish, Wildlife and Parks has been involved in the development of this proposal and will be consulted through the analysis and decision making process. The United States Fish and Wildlife Service will be consulted concerning effects to threatened and endangered species. Montana Department of Environmental Quality will be consulted concerning effects to Water Quality Limited Stream Segments.

Preliminary issues identified by Forest Service specialists include effects to vegetation, wildlife habitat, and the undeveloped character of inventoried roadless areas. No timber harvest or road construction is proposed in an inventoried roadless area. While proposed management activities affect over 18,000 acres, the proposal analyzes all reasonably foreseeable activities in the next ten years over the entire 114,000 acre southern Tobacco Root Mountains. Potential alternatives include management activities without temporary road construction and management activities that focus on commodity production, rather than ecosystem restoration.

People may visit with Forest Service officials at any time during the analysis and prior to the decision. Two periods are specifically designated for comments on the analysis: (1) During the scoping process and (2) during the draft EIS period.

During the scoping process, the Forest Service is seeking additional information and comments from Federal, State and local agencies and other individuals or organization who may be interested in or affected by the proposed action. The agency invites written comments and suggestions on this action, particularly in terms of identification of issues and alternative development.

The draft EIS should be available for review in March, 1999. The final EIS is scheduled for completion in June, 1999.

The comment period on the draft EIS will be 45 days from the date the Environmental Protection Agency publishes the notice of availability in the **Federal Register**.

The Forest Service believes, at this early stage, 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 it is meaningful and alerts an agency to the reviewer's position and contentions. *Vermont Yankee Nuclear Power Corp.* v. 3NRDC, 435 U.S. 519, 553 (1978). Also, environmental objections that could be raised at the draft environmental impact statement stage but are not raised until after completion of the final environmental impact statement may be waived or dismissed by the courts. *City of Angoon* v. *Hodel*, 803 F. 2d 1016, 1022 (9th Cir. 1986) and *Wisconsin Heritages, Inc.* v. *Harris*, 490 F. Supp. 1334, 1338 (E.D. Wis. 1980). Because of these court rulings, it is very important those interested in this proposed action participate by the close of the 45-day comment period so 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 on 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 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 CFR 1503.3 in addressing these points.

The Beaverhead-Deerlodge Forest Supervisor is the responsible official who will make the decision. She will decide on this proposal after considering comments and responses, environmental consequences discussed in the final EIS, and applicable laws, regulations, and policies. The decision and reasons for the decision will be documented in a Record of Decision.

Dated: February 11, 1999.

Deborah L.R. Austin,

Forest Supervisor, Beaverhead-Deerlodge National Forest.

[FR Doc. 99–4223 Filed 2–19–99; 8:45 am]

BILLING CODE 3410–11–M

UNITED STATES COMMISSION ON CIVIL RIGHTS

Membership of the USCCR Performance Review Board

AGENCY: U.S. Commission on Civil Rights.

ACTION: Notice of Membership of the USCCR Performance Review Board.

SUMMARY: This notice announces the appointment of the Performance Review Board (PRB) of the United States Commission on Civil Rights. Publication of PRB membership is required by 5 U.S.C. 4314(c)(4).

The PRB provides fair and impartial review of the U.S. Commission on Civil Rights' Senior Executive Service performance appraisals and makes recommendations regarding performance ratings and performance awards to the Staff Director, U.S. Commission on Civil Rights for the FY 1998 rating year.

CONTACT PERSON FOR FURTHER INFORMATION: Ms. M. Catherine Gates, Director of Human Resources, U.S. Commission on Civil Rights, 624 9th Street, N.W., Washington, D.C. 20425, (202) 376–8364.

Members

Gloria Gutierrez

Assistance Director for Marketing and Customer Liaison Marketing Services Office, Bureau of the Census

Mary Jennings

General Counsel, Merit System Protection Board

Robert Kugelman

Director of Administration, Department of Commerce.

Edward A. Hailes, Jr.,

Acting General Counsel.

[FR Doc. 99–4205 Filed 2–19–99; 8:45 am]

BILLING CODE 6335–01–M

DEPARTMENT OF COMMERCE

Bureau of the Census

Census Advisory Committees on the African American Population, the American Indian and Alaska Native Populations, the Asian and Pacific Islander Populations, and the Hispanic Population

AGENCY: Bureau of the Census, Commerce.

ACTION: Notice of public meeting.

SUMMARY: Pursuant to the Federal Advisory Committee Act (Public Law 92–463 as amended by Pub. L. 94–409, Pub. L. 96–523, and Pub. L. 97–375), we are giving notice of a joint meeting followed by separate and concurrently held meetings of the Census Advisory Committees (CACs) on the African American Population, the American Indian and Alaska Native Populations, the Asian and Pacific Islander Populations, and the Hispanic Population. This notice's Supplementary Information section provides detailed information about the meeting's agendas.

DATES: March 16–17, 1999. The March 16 meeting will begin at 8:30 a.m. and end at 5 p.m. The March 17 meeting will begin at 8:30 a.m. and end at 4:45 p.m. Last minute changes to the schedule are possible, and they could prevent us from giving advance notice.

ADDRESSES: The meeting will take place at the Inn and Conference Center, University of Maryland University College, University Boulevard at Adelphi Road, College Park, Md. 20742.

FOR FURTHER INFORMATION CONTACT: Maxine Anderson-Brown, Committee Liaison Officer, Department of Commerce, Bureau of the Census, Room 1647, Federal Building 3, Washington, DC 20233, telephone 301–457–2308, TDD 301–457–2540.

SUPPLEMENTARY INFORMATION: The agenda for the March 16 combined meeting, which will begin at 8:30 a.m. and end at 5 p.m., will include discussions on (1) Census 2000 plans; (2) Dress Rehearsal Evaluations; and (3) the Advisory Committee.

The four committees will meet separately and concurrently in the morning and in the afternoon. The Joint Committee meeting will break for the concurrent meetings. The following are items that will be included in the March 16 agenda for the four committees.

The agenda for the CAC on the African American Population will include: (1) the review of Committee recommendations and responses; (2) an update on advertising for Census 2000; (3) an update on census information centers; (4) models in excellence update; (5) update on Poster Review meeting; and (6) review topics for next day discussions.

The agenda for the CAC on the American Indian and Alaska Native Populations will include: (1) The review of Committee recommendations and responses; (2) an update on statistical estimation issues; (3) an update on advertising for Census 2000; (4) an update on Poster Review meeting; and (5) a review of topics for next day discussions.

The agenda for the CAC on the Asian and Pacific Islander Populations will include: (1) Review of Committee recommendations and responses; (2) an update on Hawaiian homelands; (3) an update on advertising for Census 2000; (4) Language Program; (5) the census information centers updated; and (6) a review of topics for next day discussions.

The agenda for the CAC on the Hispanic Population will include: (1) A review of Committee recommendations and responses; (2) an update on constituency building; (3) Language Program; (4) diversity in the work force; (5) an update on advertising for Census 2000; (6) the census information centers updated; and (7) a review of topics for next day discussions.

The agenda for the March 17 combined meeting, which will begin at 8:30 a.m. and end at 4:45 p.m., includes: (1) Discussion on the Office of Management and Budget Tabulation Guidelines for Race and Ethnic Data; (2) discussion on Advertising Campaign and Partnership Activities; (3) public comment; (4) Advisory Committee discussion; and (5) Committee recommendations.

On March 17, the four committees will meet separately and concurrently in

the afternoon. The Joint Committee will break for these concurrent meetings. Each of the four Committees (African American Population, American Indian and Alaska Native Populations, Asian and Pacific Islander Populations, and Hispanic Population) will address draft recommendations.

The CACs on the African American, American Indian and Alaska Native, and Hispanic Populations are comprised of 9 members each, and the Asian and Pacific Islander, the parent committee of two subcommittees, is comprised of 13 members. The Secretary of Commerce appoints the members. The Committees provide a channel of communication between the representative communities and the Bureau of the Census. They assist the Bureau in its efforts to reduce the count differential for Census 2000 and advise on ways that census data can best be disseminated to communities and other users.

The Committees will provide advice and recommendations for the implementation and evaluation phases of Census 2000. To do so, they will draw on several items including past experience with the 1990 census process and procedures, the results of evaluations and research studies, and the expertise and insight of their members.

All meetings are open to the public, and a brief period will be set aside on March 17 for public comment and questions. Individuals with extensive questions or statements must submit them in writing to the Committee Liaison Officer, named above, at least three days before the meeting.

These meetings are physically accessible to people with disabilities. Requests for sign language interpretation or other auxiliary aids should be directed to the Committee Liaison Officer.

Dated: February 16, 1999.

Kenneth Prewitt,

Director, Bureau of the Census.

[FR Doc. 99–4273 Filed 2–19–99; 8:45 am]

BILLING CODE 3510–07–P

DEPARTMENT OF COMMERCE

Bureau of the Census

Census Advisory Committee on the American Indian and Alaska Native Populations

AGENCY: Bureau of the Census, Commerce.

ACTION: Notice of public meeting.

SUMMARY: Pursuant to the Federal Advisory Committee Act (Public Law 92–463 as amended by Pub. L. 94–409, Pub. L. 96–523, and Pub. L. 97–375), we are giving notice of a meeting of the Census Advisory Committee on the American Indian and Alaska Native Populations. The meeting will focus on updates and plans related to the enumeration of the American Indian and Alaska Native Populations, particularly in American Indian and Alaska Native areas.

DATES: March 14, 1999. The meeting will begin at 12:00 noon and end at approximately 5 p.m. Last minute changes to the schedule are possible, and they could prevent us from giving advance notice.

ADDRESSES: The meeting will take place at the Inn and Conference Center, University of Maryland University College, University Boulevard at Adelphi Road, College Park, Md. 20742.

FOR FURTHER INFORMATION CONTACT: Maxine Anderson-Brown, Committee Liaison Officer, Department of Commerce, Bureau of the Census, Room 1647, Federal Building 3, Washington, DC 20233, telephone 301–457–2308, TDD 301–457–2540.

SUPPLEMENTARY INFORMATION: The Committee is composed of nine members appointed by the Secretary of Commerce. The Committee provides a channel of communication between the representative communities and the Bureau of the Census. The Committee assists the Bureau in its efforts to reduce the count differential for Census 2000 and advises on ways that decennial census data can best be disseminated to communities and other users.

The committee will provide advice and recommendations for the implementation and evaluation phases of Census 2000. To do so, they will draw on several items including past experience with the 1990 census process and procedures, the results of evaluations and research studies, and the expertise and insight of their members.

The meeting is open to the public, and a brief period is set aside during the closing session for public comment and questions. Those persons with extensive questions or statements must submit them in writing to the Census Bureau Committee Liaison Officer, named above, at least three days before the meeting.

This meeting is physically accessible to people with disabilities. Requests for sign language interpretation or other auxiliary aids should be directed to the Census Bureau Committee Liaison Officer.

Dated: February 16, 1999.

Kenneth Prewitt,

Director, Bureau of the Census.

[FR Doc. 99–4274 Filed 2–19–99; 8:45 am]

BILLING CODE 3510–07–P

DEPARTMENT OF COMMERCE

Foreign-Trade Zones Board

[Docket 6–99]

Foreign-Trade Zone 214—Kinston, NC; Application for Subzone Status: Consolidated Diesel Company Facilities, (Spark Ignition, Diesel Engines), Nash County, NC

An application has been submitted to the Foreign-Trade Zones Board (the Board) by the North Carolina Global TransPark Authority, grantee of FTZ 214, requesting special-purpose subzone status for the spark ignition and diesel engine manufacturing facilities of Consolidated Diesel Company (Inc.) (CDC) (a Cummins Engine Company/Case Corporation joint venture), located in Nash County, North Carolina. The application was submitted pursuant to the provisions of the Foreign-Trade Zones Act, as amended (19 U.S.C. 81a-81u), and the regulations of the Board (15 CFR Part 400). It was formally filed on February 10, 1999.

The proposed subzone would consist of three sites in the Nash County area: Site 1—CDC manufacturing plant (265 acres/1.1 million sq.ft.), located at 9377 U.S. Highway 301 North in Whitakers, North Carolina, some 60 miles northeast of Raleigh; Site 2—CDC Training Center and warehouse (10 acres/40,000 sq.ft.), located directly across U.S. 301 from Site 1; and, Site 3—Leased 100,000 sq.ft. warehouse, located at E.B. Grain Co., 204 Hathaway Court, Battleboro, North Carolina, about 2½ miles south of Site 1. The facilities are used to produce diesel, liquid propane and natural gas internal-combustion engines (ranging from 50 to 400 horsepower) used in marine, agricultural, automotive, industrial and commercial applications, for export and the domestic market. The production process involves assembly, testing, and warehousing. Components purchased from abroad (about 51% of total) include: actuators, adapters, crankcases (blocks), cylinder heads, intake/exhaust manifolds, connecting rods, piston sets and rings, crankshafts, rocker arms, camshafts, intake/exhaust/turbo valves, bushings, bearings, housings, flywheels, pulleys, starters, barrels, gaskets, circuit boards, cylinders, parts of turbochargers, timing chains, water pumps, wiring harnesses, catalytic converters, controllers, oil

coolers, clamps/fasteners, covers, compressors, torque converters, spark plugs, gauges, electrical components, thermostats, gears, oil filters, belts, hoses, seals and plastic molded parts (duty rate range: 0.7—9.4%).

FTZ procedures would exempt CDC from Customs duty payments on the foreign components used in export production. On its domestic sales, the company would be able to choose the duty rate that applies to finished internal-combustion engines (free, 2.5%) for the foreign inputs noted above. The application indicates that subzone status would help improve the facilities' international competitiveness.

In accordance with the Board's regulations, a member of the FTZ Staff has been designated examiner to investigate the application and report to the Board.

Public comment on the application is invited from interested parties. Submissions (original and three copies) shall be addressed to the Board's Executive Secretary at the address below. The closing period for their receipt is April 23, 1999. Rebuttal comments in response to material submitted during the foregoing period may be submitted during the subsequent 15-day period (to May 10, 1999).

A copy of the application and the accompanying exhibits will be available for public inspection at each of the following locations:

Office of the Port Director, U.S. Customs Service—Raleigh/Durham, 120 South Center Court, Morrisville, NC 27560

Office of the Executive Secretary, Foreign-Trade Zones Board, U.S. Department of Commerce, Room 3716, 14th Street & Pennsylvania Avenue, NW, Washington, DC 20230–0002

Dated: January 10, 1999.

Dennis Puccinelli,

Acting Executive Secretary.

[FR Doc. 99–4310 Filed 2–19–99; 8:45 am]

BILLING CODE 3510–DS–P

DEPARTMENT OF COMMERCE

Foreign-Trade Zones Board

[Order No. 1023]

Expansion of Foreign-Trade Zone 151; Findlay, Ohio

Pursuant to its authority under the Foreign-Trade Zones Act of June 18, 1934, as amended (19 U.S.C. 81a–81u), the Foreign-Trade Zones Board (the Board) adopts the following Order:

Whereas, the Findlay/Hancock County Chamber of Commerce, grantee of Foreign-Trade Zone 151, submitted an application to the Board for authority to expand FTZ 151-Site 1 at the Tall Timbers Industrial Center and to include a new site at the Ball Metal Container Group general-purpose warehouse facility (Site 2) in Findlay, Ohio, within the Toledo-Sandusky Customs port of entry (FTZ Docket 8–98; filed 2/20/98; amended 4/7/98). (The sponsorship of the application transferred from the Community Development Foundation, the original FTZ 151 grantee, to the Chamber after the FTZ Board reissued the grant of authority to the Chamber in April 1998 (Board Order 970).);

Whereas, notice inviting public comment was given in **Federal Register** (63 FR 10588, 3/4/98; 63 FR 18364, 4/15/98) and the application has been processed pursuant to the FTZ Act and the Board's regulations; and,

Whereas, the Board adopts the findings and recommendations of the examiner's report, and finds that the requirements of the FTZ Act and Board's regulations are satisfied, and that the proposal is in the public interest;

Now, therefore, the Board hereby orders:

The application to expand FTZ 38–Site 1 and to include Site 2 is approved, subject to the Act and the Board's regulations, including Section 400.28, and subject to a four-year time limit (to 6/30/2003) for Site 2 that may be extended upon review.

Signed at Washington, DC, this 10 day of Febraury, 1999.

Richard W. Moreland,

Acting Assistant Secretary of Commerce for Import Administration, Alternate Chairman, Foreign-Trade Zones Board.

Attest:

Dennis Puccinelli,

Acting Executive Secretary.

[FR Doc. 99–4309 Filed 2–19–99; 8:45 am]

BILLING CODE 3510–DS–P

DEPARTMENT OF COMMERCE

International Trade Administration

Initiation of Antidumping and Countervailing Duty Administrative Reviews

AGENCY: Import Administration, International Trade Administration, Department of Commerce.

ACTION: Notice of initiation of antidumping and countervailing duty administrative reviews.

SUMMARY: The Department of Commerce has received requests to conduct administrative reviews of various antidumping and countervailing duty orders and findings with January anniversary dates. In accordance with the Department's regulations, we are initiating those administrative reviews.

EFFECTIVE DATE: February 22, 1999.

FOR FURTHER INFORMATION CONTACT: Holly A. Kuga, Office of AD/CVD Enforcement, Import Administration, International Trade Administration, U.S. Department of Commerce, 14th Street and Constitution Avenue, NW, Washington, DC 20230, telephone: (202) 482–4737.

SUPPLEMENTARY INFORMATION:

Background

The Department has received timely requests, in accordance with 19 CFR 351.213(b)(1997), for administrative reviews of various antidumping and countervailing duty orders and findings with January anniversary dates.

Initiation of Reviews

In accordance with section 19 CFR 351.221(c)(1)(i), we are initiating administrative reviews of the following antidumping and countervailing duty orders and findings. We intend to issue the final results of these reviews not later than January 31, 2000.

Antidumping duty proceedings	Period to be reviewed
Canada: Brass Sheet & Strip, A–122–601, Wolverine Tube (Canada), Inc	1/1/98–12/31/98
France: Anhydrous Sodium Metasilicate (ASM), A–427–098, Rhone-Poulenc, S.A	1/1/98–12/31/98

Antidumping duty proceedings	Period to be reviewed
India: Certain Stainless Steel Wire Rod, A–533–808, Mukand, Ltd [1]	12/1/97–11/30/98
The People's Republic of China: Potassium Permanganate [2], A–570–001, Guizhou Provincial Chemical I/E Corp.; Zunyi Chemical Factory	1/1/98–12/31/98

[1] Inadvertently omitted from previous initiation notice.
[2] If one of the above named companies does not qualify for a separate rate, all other exporters of potassium permanganate from the People's Republic of China who have not qualified for a separate rate are deemed to be covered by this review as part of the single PRC entity of which the named exporters are a part.

Countervaily Duty Proceedings

None.

Suspension Agreements

None.

During any administrative review covering all or part of a period falling between the first and second or third and fourth anniversary of the publication of an antidumping duty order under section 351.211 or a determination under section 351.218(d) (sunset review), the Secretary, if requested by a domestic interested party within 30 days of the date of publication of the notice of initiation of the review, will determine whether antidumping duties have been absorbed by an exporter or producer subject to the review if the subject merchandise is sold in the United States through an importer that is affiliated with such exporter or producer. The request must include the name(s) of the exporter or producer for which the inquiry is requested.

For transition orders defined in section 751(c)(6) of the Act, the Secretary will apply paragraph (j)(1) of this section to any administrative review initiated in 1998 (19 CFR 351.213(j)(1–2)).

Interested parties must submit applications for disclosure under administrative protective orders in accordance with 19 CFR 351.305.

These initiations and this notice are in accordance with section 751(a) of the Tariff Act of 1930, as amended (19 U.S.C. 1675(a)), and 19 CFR 351.221(c)(1)(i).

Dated: February 12, 1999.

Holly A. Kuga,

Acting Deputy Assistant Secretary for Import Administration.

[FR Doc. 99–4307 Filed 2–19–99; 8:45 am]

BILLING CODE 3510–DS–M

DEPARTMENT OF COMMERCE

International Trade Administration

[A–570–848]

Freshwater Crawfish Tail Meat From The People's Republic of China; Preliminary Results of New Shipper Review

AGENCY: Import Administration, International Trade Administration, U.S. Department of Commerce.

ACTION: Notice of preliminary results of new shipper review: freshwater crawfish tail meat from the People's Republic of China.

SUMMARY: The Department of Commerce (the Department) is conducting a new shipper review of the antidumping duty order on freshwater crawfish tail meat from the People's Republic of China (PRC) in response to a request by a PRC exporter of subject merchandise, Ningbo Nanlian Frozen Foods Company, Ltd. (NNL). This review covers shipments of this merchandise to the United States during the period of September 1, 1997 through March 31, 1998.

We have preliminarily determined that sales have been made below normal value (NV). If these preliminary results are adopted in our final results, we will instruct the U.S. Customs Service to assess antidumping duties based on the difference between the constructed export price (CEP) and NV.

EFFECTIVE DATE: February 22, 1999.

FOR FURTHER INFORMATION CONTACT: Michael Strollo, Laurel LaCivita, or Maureen Flannery, Antidumping/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) 482–4733.

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 351 (April 1998).

Background

The Department published in the **Federal Register** an antidumping duty order on freshwater crawfish tail meat from the PRC on September 15, 1997 (62 FR 48218). On March 27, 1998, the Department received a request from NNL for a new shipper review pursuant to section 751(a)(2)(B) of the Act and § 351.214(b) of the Department's regulations. These provisions state that, if the Department receives a request for review from an exporter or producer of the subject merchandise stating that it did not export the merchandise to the United States during the period covered by the original less-than-fair-value (LTFV) investigation (the POI) and that such exporter or producer is not affiliated with any exporter or producer who exported the subject merchandise during that period, the Department shall conduct a new shipper review to establish an individual weighted-average dumping margin for such exporter or producer, if the Department has not previously established such a margin for the exporter or producer. The regulations require that the exporter or producer shall include in its request, with appropriate certifications: (i) The date on which the merchandise was first entered, or withdrawn from warehouse, for consumption, or, if it cannot certify as to the date of first entry, the date on which it first shipped the merchandise for export to the United States, or if the merchandise has not yet been shipped or entered, the date of sale; (ii) a list of the firms with which it is affiliated; (iii) a statement from such exporter or producer, and from each affiliated firm, that it did not, under its current or a former name, export the merchandise during the POI, and (iv) in an antidumping proceeding involving inputs from a nonmarket economy country, a certification that the export activities of such exporter or producer are not controlled by the central government. *See* 19 CFR 351.214(b)(ii) and (iii). NNL's request was

accompanied by information and certifications establishing the effective date on which it first shipped and entered freshwater crawfish tail meat. NNL also claims it had no affiliated companies which exported freshwater crawfish tail meat from the PRC during the POI. In addition, NNL certified that its export activities are not controlled by the central government. Based on the above information, the Department initiated a new shipper review covering NNL (*Freshwater Crawfish Tail Meat from the People's Republic of China: Initiation of New Shipper Antidumping Duty Administrative Review* (63 FR 25449, May 8, 1998)).

Due to extraordinarily complicated issues in this case, the Department extended the deadline for completion of the new shipper review on August 18, 1998. *See Freshwater Crawfish Tail Meat from the People's Republic of China: Extension of Time Limits for Preliminary Results of New Shipper Antidumping Administrative Review,* 63 FR 45044 (August 24, 1998). The Department published a second extension on January 6, 1999. *See Freshwater Crawfish Tail Meat from the People's Republic of China: Extension of Time Limits for Preliminary Results of New Shipper Antidumping Administrative Review,* 64 FR 851 (January 6, 1999).

Scope of Review

The product covered by this review is freshwater crawfish tail meat, in all its forms (whether washed or with fat on, whether purged or unpurged), grades, and sizes; whether frozen, fresh, or chilled; and regardless of how it is packed, preserved, or prepared. Excluded from the scope of the order are live crawfish and other whole crawfish, whether boiled, frozen, fresh, or chilled. Also excluded are saltwater crawfish of any type, and parts thereof. Freshwater crawfish tail meat is currently classifiable in the Harmonized Tariff Schedule of the United States (HTS) under item numbers 0306.19.00.10 and 0306.29.00.00. The HTS subheadings are provided for convenience and Customs purposes only. The written description of the scope of this order is dispositive.

This review covers the period September 1, 1997 through March 31, 1998.

Verification

As provided in section 782(i) of the Act, we verified information provided by NNL, its affiliated producer, Yinxian No. 2 Freezing Factory (Y2FF), and its U.S. affiliate, Louisiana Packing (LP), using standard verification procedures, including on-site inspection of the manufacturer's facilities and the examination of relevant sales and financial records. Our verification results are outlined in the public version of the verification reports.

Separate Rates

To establish whether a company operating in a nonmarket economy country 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), 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). Under this policy, exporters in non-market economies (NMEs) 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 export activities. Evidence supporting, though not requiring, a finding of *de jure* absence of government control over export activities 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 over exports is based on four factors: (1) whether each exporter sets its own export prices independently of the government and without 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 the authority to negotiate and sign contracts and other agreements; and (4) whether each exporter has autonomy from the government regarding the selection of management.

With respect to the absence of *de jure* government control over export activities, evidence on the record indicates that NNL and its PRC parent company, Y2FF, are not controlled by the government. NNL submitted evidence of its legal right to set prices independent of all government oversight. NNL's business license indicates that NNL is permitted to engage in the exportation of crawfish. No export quotas apply to crawfish and an export license is not required for exports of the subject merchandise to the United States. At verification, we also confirmed that for the seafood category ''Other'' in the *China's Tariff and Non-Tariff Handbook* for 1996 and 1997 (exhibit 26A), which includes crawfish, there are no import licenses required and no quotas. We confirmed that crawfish was not on the list of commodities with planned quotas in the 1992 MOFTEC document entitled *Temporary Provisions for Administration of Export Commodities.*

The Administrative Regulations of the People's Republic of China for Controlling the Registration of Enterprises as Legal Persons (Legal Persons Regulations), issued on July 13, 1988 by the State Administration for Industry and Commerce of the PRC, provide that, to qualify as legal persons, companies must have the ''ability to bear civil liability independently'' and the right to control and manage their businesses. These regulations also state that, as an independent legal entity, a company is responsible for its own profits and losses. *See Notice of Final Determination of Sales at Less Than Fair Value: Manganese Metal from the People's Republic of China,* 60 FR 56046 (November 6, 1995) (Manganese Metal). Article 203 of the *Company Law of the People's Republic of China* (Company Law) states that a foreign company (such as NNL) shall bear civil responsibility for the operational activities of its branch organization in China. At verification, we verified that NNL's business license was established in accordance with the Company Law. Therefore, we determine that NNL is an independent legal person.

With respect to the absence of *de facto* control over export activities, Y2FF's and NNL's management is responsible for all decisions such as the determination of its export prices, profit distribution, marketing strategy, and contract negotiations. We found no government involvement in the daily operations of NNL, in the selection of management for NNL, or in the operations or management of any of NNL's and Y2FF's affiliates. For more information, see *Separate Rate Analysis in the New Shipper Review of Freshwater Crawfish Tail Meat from the People's Republic of China* dated February 11, 1999 (Separate Rates Memorandum), which is on file in the Central Records Unit (room B099 of the Main Commerce Building).

Because evidence on the record demonstrates an absence of government control, both in law and in fact, over NNL's export activities, the Department preliminarily determines that NNL is entitled to a separate rate. For further discussion of the Department's

preliminary determination that NNL is entitled to a separate rate, see Separate Rates Memorandum.

Fair Value Comparisons

To determine whether respondent's sales of the subject merchandise to the United States were made at LTFV, we compared its United States price to NV, as described in the ''United States Price'' and ''Normal Value'' sections of this notice.

United States Price

For sales made by NNL, we based United States price on CEP in accordance with section 772(b) of the Act, because the sales to unaffiliated purchasers were made after importation. We calculated CEP based on packed prices from the U.S. affiliate's warehouse to the first unaffiliated purchaser in the United States. We made the following deductions from the starting price (gross unit price): foreign inland freight, international (ocean) freight, U.S. customs duty, brokerage and handling expenses, the affiliated purchaser's U.S. credit expenses, the affiliated purchaser's indirect selling expenses, and CEP profit. *See* sections 772(c) and (d) of the Act. Because U.S. customs duty, brokerage and handling expenses, credit expenses and indirect selling expenses were incurred by a U.S. affiliate in a market-economy currency (U.S. dollars), we used actual costs rather than surrogate values to value these deductions to gross unit price. Consistent with the original investigation, for all other expenses not incurred in U.S. dollars, we used India as a surrogate country. We valued movement expenses as follows:

- To value truck freight, we used the rates reported in an April 20, 1994 newspaper article in the ''Times of India'' and submitted for the *Final Determination of Sales at Less Than Fair Value: Polyvinyl Alcohol From the People's Republic of China,* 60 FR 52647 (October 10, 1995). We adjusted the rates to reflect inflation through the period of review (POR) using wholesale price indices (WPI) for India in the *International Financial Statistics* (IFS) published by the International Monetary Fund (IMF).
- To value brokerage and handling in the home market, we used information reported in the antidumping administrative review of *Stainless Steel Wire Rod from India,* 63 FR 48184 (September 9, 1998). For further discussion see Memorandum to the File from Mike Strollo: *Valuation of Foreign Brokerage and Handling for the New Shipper Review of Freshwater Crawfish Tail Meat from the People's Republic of China,* dated February 12, 1999. We used the average of the foreign brokerage and handling expenses reported in the questionnaire response of the U.S. sales listing submitted. This average value was used in the antidumping review of Viraj Impoexpo for the period February 1997 through January 1998 and charges were reported on a per metric ton basis.
- To value ocean freight, we obtained publicly available price quotes from Sea Land Services for shipping frozen crawfish tail meat from the PRC to Long Beach, California in the United States. *See* Memorandum to the File from Mike Strollo: *Ocean Freight Rates for the New Shipper Review of Freshwater Crawfish Tail Meat from the People's Republic of China,* dated February 9, 1999. To adjust this rate to the POR, we used the closest corresponding monthly WPI and the WPI average for the POR.

Normal Value

For companies located in NME countries, section 773(c)(1) of the Act provides that the Department shall determine NV using a factors-of-production methodology if (1) the merchandise is exported from an NME country, and (2) available information does not permit the calculation of NV using home-market prices, third-country prices, or constructed value under section 773(a) of the Act.

In every case conducted by the Department involving the PRC, the PRC has been treated as an NME country. Pursuant to section 771(18)(C)(i) of the Act, any determination that a foreign country is an NME country shall remain in effect until revoked by the administering authority. NNL has not contested such treatment in this review. Accordingly, we have applied surrogate values to the factors of production to determine NV.

We calculated NV based on factors of production in accordance with section 773(c)(4) of the Act and section 351.408(c) of our regulations. Consistent with the original investigation, we determined that India (1) is comparable to the PRC in terms of level of economic development, and (2) is a significant producer of comparable merchandise. With the exception of the crawfish input, we valued the factors of production using publicly available information from India. *See* Memorandum to Edward Yang through Maureen Flannery from the Crawfish Team, *Antidumping Investigation of Freshwater Crawfish Tail Meat from the People's Republic of China: Factor Values and Preliminary Margin Calculations,* dated March 19, 1997 and placed on the record of this review. For the crawfish input, we used Spanish import statistics for crawfish imported from Portugal. *See* Memorandum to Joseph Spetrini from Edward Yang, *New Shipper Review of Freshwater Crawfish Tail Meat from the People's Republic of China: Determination of Surrogate Country Selection for Crawfish Input,* dated February 16, 1999, and Memorandum to Edward Yang through Maureen Flannery from Michael Strollo, *New Shipper Review of Freshwater Crawfish Tail Meat from the People's Republic of China: Factor Values Memorandum* (Factors Memorandum), dated February 11, 1999. We used import prices to value many factors. As appropriate, we adjusted import prices by adding freight expenses to make them delivered prices. For a complete analysis of surrogate values, see the Factors Memorandum.

We valued the factors of production as follows:

- To value whole crawfish, we used the average Spanish import price for fresh (not frozen) crawfish imported from Portugal. In order to factor out seasonal fluctuations in price, we valued whole crawfish using data from the calendar year 1997. Spanish import data show insignificant amounts of crawfish from other countries at aberrational prices and, therefore, it would not be appropriate to include these data in the calculation of the crawfish cost. These data are publicly available and are published by the Spanish Ministry of Customs in Madrid. Since the factors of production were reported from May through August 1997, we did not inflate this factor value. *See* the Factors Memorandum for further discussion.
- To value the by-product of shells and body parts unfit for exportation (non-export quality crawfish), we used Indian import price data for the HTS category ''shells of mollusks, crustaceans, and echinoderms,'' from the March through August 1997 issues of *Monthly Statistics of the Foreign Trade of India* (Monthly Statistics). Since the factors were reported for the period May through August 1997, we did not inflate this factor.
- To value coal and electricity we used data reported as the average Indian domestic prices within the categories of ''Steam Coal for Industry'' and ''Electricity for Industry,'' published in the International Energy Agency's publication, *Energy Prices and Taxes, First Quarter, 1998.* We adjusted the cost of coal to include an amount for transportation. For water, we relied upon public information from the November 1993 *Water Utilities Data Book: Asian and Pacific Region,*

published by the Asian Development Bank. To achieve comparability of the energy and water prices to the factors reported for the period May through August 1997, we adjusted these factor values to reflect inflation through this period.

• To value plastic bags, cardboard boxes and adhesive tape, we relied upon Indian import data from the March through August 1997 issues of *Monthly Statistics*. We adjusted the values of packing materials to include freight costs incurred between the supplier and NNL. For transportation distances used for the calculation of freight expenses on raw materials, we added to surrogate values from India a surrogate freight cost using the shorter of (a) the distances between the closest PRC port and the factory, or (b) the distance between the domestic 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) (*Roofing Nails*). Since the factors were reported for the period May through August 1997, we did not inflate these factor values.

• To value factory overhead, selling, general, and administrative expenses (SG&A), and profit, we calculated simple average rates using publicly available financial statements of three Indian seafood processing companies submitted in the original investigation for which there were more current data, and applied these rates to the calculated cost of manufacture. *See* Factors Memorandum.

• For labor, we used the PRC regression-based wage rate at Import Administration's homepage, Import Library, Expected Wages of Selected NME Countries, revised on June 2, 1997. *See* http://www.ita.doc.gov/import__admin/records/wages. Because of the variability of wage rates in countries with similar per capita GDPs, section 351.408(c)(3) of the Department's regulations requires the use of a regression-based wage rate. The source of these wage rate data on the Import Administration's webpage is found in the *1996 Year Book of Labour Statistics*, International Labour Office (Geneva: 1996), Chapter 5B: Wages in Manufacturing.

Request for Comment

In the course of this review, both petitioners and respondent have made various arguments regarding the Department's valuation of whole, live crawfish, the primary input in the production of freshwater crawfish tail meat. Petitioners advocate the continued use of Spanish import prices from Portugal. The Department determined that this was the best publicly available information available during the investigation. In this new shipper review, respondent has argued that the Department should instead value whole, live crawfish using U.S. price data it has placed on the record. The Department has preliminarily determined that Spanish import prices from Portugal are the most appropriate means of valuing live crawfish for these preliminary results. However, due to the significance of this issue and the conflicting arguments on the record, we will carefully consider any new factual information regarding the valuation of whole, live crawfish that parties may place on the record within twenty days of the date of publication of these preliminary results. Moreover, we encourage parties to make additional argument on this issue in their case briefs so that this issue can be fully addressed in a public hearing, should one be requested.

Currency Conversion

We made currency conversions pursuant to section 351.415 of the Department's regulations at the rates certified by the Federal Reserve Bank.

Preliminary Results of Review

We preliminarily determine that the following dumping margin exists:

Manufacturer/exporter	Time period	Margin (percent)
Ningbo Nanlian Frozen Foods Co., Ltd.	09/01/97–03/31/98	4.70

Parties to the proceeding may request disclosure within 5 days of the date of publication of this notice in accordance with 19 CFR 351.224(b). Any interested party may request a hearing within 30 days of publication in accordance with 19 CFR 351.310(c). Any hearing, if requested, will be held 37 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 in accordance with 19 CFR 351.309(b)(2)(ii). Rebuttal briefs, which must be limited to issues raised in the case briefs, may be filed not later than 35 days after the date of publication. The Department will publish a notice of final results of this new shipper review, which will include the results of its analysis of issues raised in any such comments.

The Department shall determine, and the U.S. Customs Service shall assess, antidumping duties on all appropriate entries.

Furthermore, the following deposit rate will be effective upon publication of the final results of this new shipper review for all shipments of freshwater crawfish tail meat from the PRC 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) for NNL, which has a separate rate, the cash deposit rate will be 4.70 percent; (2) for previously-reviewed PRC and non-PRC exporters with separate rates, the cash deposit rate will be the company-specific rate established for the most recent period; and (3) for all other PRC exporters, the rate will be the PRC country-wide rate, 201.63 percent; and (4) for non-PRC exporters of subject merchandise from the PRC, the cash deposit rate will be the rate applicable to the PRC supplier of that exporter. *See* the *Notice of Amendment to Final Determination of Sales at Less Than Fair Value and Antidumping Duty Order: Freshwater Crawfish Tail Meat From the People's Republic of China*, dated September 15, 1997.

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 351.402(f) to file a certificate regarding the reimbursement of antidumping duties prior to liquidation of the relevant entries during this review period. Failure to comply with this requirement could result in the Secretary's presumption that reimbursement of antidumping duties occurred and the subsequent assessment of double antidumping duties.

This determination is issued and published in accordance with sections 751(a)(1) and 777(i)(1) of the Act.

Dated: February 16, 1999.

Richard W. Moreland,

Acting Assistant Secretary for Import Administration.

[FR Doc. 99–4308 Filed 2–19–99; 8:45 am]

BILLING CODE 3510–DS–P

DEPARTMENT OF COMMERCE

National Institute of Standards and Technology

Computer System Security and Privacy Advisory Board Meeting

AGENCY: National Institute of Standards and Technology, Commerce.

ACTION: Notice of meeting.

SUMMARY: Pursuant to the Federal Advisory Committee Act, 5 U.S.C. App., notice is hereby given that the Computer System Security and Privacy Advisory Board (CSSPAB) will meet Tuesday, March 16, 1999, Wednesday, March 17, 1999, and Thursday, March 18, 1999, from 9:00 a.m. to 5:00 p.m. The Advisory Board was established by the Computer Security Act of 1987 (P.L. 100–235) to advise the Secretary of Commerce and the Director of NIST on security and privacy issues pertaining to federal computer systems. All sessions will be open to the public.

DATES: The meeting will be held on March 16–18, 1999, from 9:00 a.m. to 5:00 p.m.

ADDRESSES: The meeting will take place at the National Institute of Standards and Technology, Gaithersburg, MD in the Administration Building, Lecture Room B.

Agenda

—Welcome and Overview
—Issues Update and Briefings
—DOD Infosec Briefing
—National Information Protection Center Briefing
—Critical Infrastructure Activities Update
—Privacy Issues Panel
—NIST Computer Security Updates
—Discussion
—Pending Business
—Public Participation
—Agenda Development for June 1999 Meeting
—Wrap-Up

Public Participation: The Board agenda will include a period of time, not to exceed thirty minutes, for oral comments and questions from the public. Each speaker will be limited to five minutes. Members of the public who are interested in speaking are asked to contact the Board Secretariat at the telephone number indicated below. In addition, written statements are invited and may be submitted to the Board at any time. Written statements should be directed to the CSSPAB Secretariat, Information Technology Laboratory, 100 Bureau Drive, Stop 8930, National Institute of Standards and Technology, Gaithersburg, MD 20899–8930. It would be appreciated if 35 copies of written material were submitted for distribution to the Board and attendees no later than March 12, 1999. Approximately 20 seats will be available for the public and media.

FOR FURTHER INFORMATION CONTACT: Mr. Edward Roback, Board Secretariat, Information Technology Laboratory, National Institute of Standards and Technology, 100 Bureau Drive, Stop 8930, Gaithersburg, MD 20899–8930, telephone: (301) 975–3696.

Dated: February 16, 1999.

Karen H. Brown,

Deputy Director.

[FR Doc. 99–4313 Filed 2–19–99; 8:45 am]

BILLING CODE 3510–CN–M

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

[I.D. 011499C]

Atlantic Tuna Fisheries; Public Hearings; Advisory Panel Meetings; Correction

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

ACTION: Notice of public hearing; correction.

SUMMARY: On January 22, 1999 (64 FR 3486), NMFS published a notice announcing a series of public hearings to receive comments from fishery participants and other members of the public regarding proposed regulations to implement the draft Fishery Management Plan for Atlantic Tunas, Swordfish, and Sharks (HMS FMP), and draft Amendment 1 to the Atlantic Billfish Fishery Management Plan (Billfish Amendment). NMFS announces a correction for one of the public hearings.

DATES: The public hearing in Gloucester, MA will be held from 6:30 p.m. to 9:30 p.m. on Monday, March 1.

FOR FURTHER INFORMATION CONTACT: Sarah McLaughlin at 978–281–9146.

Correction

In the Federal Register issue of January 22, 1999, in FR Doc. 99–1418, on page 3487, in the second column, in the fourth to last location, above the location, Sawyer Free Library, 2 Dale Avenue, Gloucester, MA 01930, the day and date in the heading are corrected to read as follows: Monday, March 1. All other previously published information, as corrected by 64 FR 6879, February 11, 1999 (location change for Ocean City, MD public hearing) remains unchanged.

Dated: February 16, 1999.

Bruce C. Morehead,

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

[FR Doc. 99–4278 Filed 2–17–99; 3:49 pm]

BILLING CODE 3510–22–F

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

[I.D. 021699C]

Mid-Atlantic Fishery Management Council (MAFMC); Meetings

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

ACTION: Notice of public meeting.

SUMMARY: The Mid-Atlantic Fishery Management Council (Council) and its Comprehensive Management Committee, Executive Committee and Demersal Committee will hold a public meeting.

DATES: The meetings will be held on Tuesday, March 9, 1999 through Thursday, March 11, 1999. See **SUPPLEMENTARY INFORMATION** for specific dates and times.

ADDRESSES: This meeting will be held at the Wilmington Hilton, I–95 and Naamans Road, Claymont, DE; telephone: 302–792–2700.

Council Address: Mid-Atlantic Fishery Management Council, 300 S. New Street, Dover, DE 19904; telephone: 302–674–2331.

FOR FURTHER INFORMATION CONTACT: Daniel T. Furlong, Executive Director, Mid-Atlantic Fishery Management Council; telephone: 302–674–2331, ext. 19.

SUPPLEMENTARY INFORMATION: On Tuesday, March 9th, the Comprehensive Management Committee will meet from 1:00–5:00 p.m. On Wednesday, March 10th, the Executive Committee will meet from 9:00–10:00 a.m. The Demersal Committee will meet from 10:00 a.m. to noon. There will be an Atlantic Coastal Cooperative Statistics Program (ACCSP) report from 1:00–2:00 p.m. Council will convene at 2:00 p.m. to discuss the Dogfish Fishery

Management Plan (FMP) until 4:00 p.m., and to hear the Demersal Committee Report from 4:00–5:00 p.m. On Thursday, March 11th, Council convenes at 9:00 a.m. and is scheduled to adjourn at 1:00 p.m.

Agenda items for this meeting include: industry funded data collection and research; bycatch of scup in the squid fishery; gear conflict problems; 1999 Council work plan; discuss Amendment 13 and 14 to the Summer Flounder, Scup, and Black Sea Bass FMP; possible framework management measures under Amendment 12 to the Summer Flounder, Scup, and Black Sea Bass FMP; possible modifications to the summer flounder mortality rate reduction schedule; New England Council management measures for winter flounder; address possibility of interim measures for dogfish; and other fishery management matters.

Although other issues not contained in this agenda may come before this Council for discussion, in accordance with the Magnuson-Stevens Fishery Conservation and Management Act, those issues may not be the subject of formal Council action during this meeting. Council action will be restricted to those issues specifically identified in the agenda listed in this notice.

Special Accommodations

This meeting is physically accessible to people with disabilities. Requests for sign language interpretation or other auxiliary aids should be directed to Joanna Davis at the Council (see **ADDRESSES**) at least 5 days prior to the meeting date.

Dated: February 17, 1999.

Richard W. Surdi,

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

[FR Doc. 99–4293 Filed 2–19–99; 8:45 am]

BILLING CODE 3510–22–F

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

[I.D. 011999A]

Small Takes of Marine Mammals Incidental to Specified Activities; La Jolla Children's Pool Beach Management and Water Quality Project

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

ACTION: Notice of proposed authorization for a small take exemption; request for comments.

SUMMARY: NMFS has received a request from the City of San Diego's Parks and Recreation Department for authorization to take small numbers of Pacific harbor seals by harassment incidental to excavating and removing beach sand at the La Jolla Children's Pool, La Jolla, CA. Under the Marine Mammal Protection Act (MMPA), NMFS is requesting comments on its proposal to authorize the City of San Diego to incidentally take, by harassment, small numbers of seals in the above-mentioned area.

DATES: Comments and information must be received on or before March 24, 1999.

ADDRESSES: Comments on the application should be addressed to the Chief, Marine Mammal Division, Office of Protected Resources, National Marine Fisheries Service, 1315 East-West Highway, Silver Spring, MD 20910–3225. A copy of the application and a list of references used in this document may be obtained by writing to this address or by telephoning one of the contacts listed here.

FOR FURTHER INFORMATION CONTACT: Kenneth Hollingshead, Office of Protected Resources at 301–713–2055, or Joe Cordaro, Southwest Regional Office at 562–980–4017.

SUPPLEMENTARY INFORMATION:

Background

Section 101(a)(5)(A) and (D) of the MMPA (16 U.S.C. 1361 *et seq.*) directs the Secretary of Commerce to allow, upon request, the incidental, but not intentional, taking of marine mammals by U.S. citizens who engage in a specified activity (other than commercial fishing) within a specified geographical region if certain findings are made and either regulations are issued or, if the taking is limited to harassment, a notice of a proposed authorization is provided to the public for review.

Permission may be granted if NMFS finds that the taking will have a negligible impact on the species or stock(s) and will not have an unmitigable adverse impact on the availability of the species or stock(s) for subsistence uses and that the permissible methods of taking and requirements pertaining to the monitoring and reporting of such takings are set forth. NMFS has defined ''negligible impact'' in 50 CFR 216.103 as '' ...an impact resulting from the specified activity that cannot be reasonably expected to, and is not reasonably likely to, adversely affect the species or stock through effects on annual rates of recruitment or survival.''

Subsection 101(a)(5)(D) of the Marine Mammal Protection Act established an expedited process by which citizens of the United States can apply for an authorization to incidentally take small numbers of marine mammals by harassment. The MMPA now defines ''harassment'' as:

> ...any act of pursuit, torment, or annoyance which (a) has the potential to injure a marine mammal or marine mammal stock in the wild; or (b) has the potential to disturb a marine mammal or marine mammal stock in the wild by causing disruption of behavioral patterns, including, but not limited to, migration, breathing, nursing, breeding, feeding, or sheltering.

Subsection 101(a)(5)(D) establishes a 45-day time limit for NMFS review of an application followed by a 30-day public notice and comment period on any proposed authorizations for the incidental harassment of small numbers of marine mammals. Within 45 days of the close of the comment period, NMFS must either issue or deny issuance of the authorization.

Summary of Request

On December 28, 1998, NMFS received a request from the City of San Diego for authorization to take small numbers of Pacific harbor seals (*Phoca vitulina*) and possibly 1 to 2 California sea lions (*Zalophus californianus*) and northern elephant seals (*Mirounga angustirostris*) by harassment incidental to excavating and removing 3,000 yd^3 (2,295 m^3) of beach sand at the La Jolla Children's Pool.

The La Jolla Children's Pool was constructed in 1931 to provide a sheltered swimming area for children in La Jolla. Over time, the beach behind the breakwater has gradually widened as sand has accumulated in the sheltered pool. By 1998, the shoreline had advanced to near the end of the breakwater, at the mouth of the pool, leaving very little area for recreational swimming. The lack of a protected swimming area and the proximity to dangerous rip current conditions near the breakwater opening have created significant safety concerns.

In addition to the restricted use and associated dangers due to sand accretion, recreational use has been further compromised by a population of harbor seals that regularly use the Children's Pool area as a haul-out area. Seal feces from the concentrated harbor seal population have resulted in fecal coliform bacteria counts that significantly exceed State water quality standards for bathing beaches and body

contact areas. DNA testing has confirmed the harbor seal population as the source of the bacterial contamination. As a result, the Children's Pool has been determined unsafe for human contact and has been closed to the public for all water contact since September 4, 1997. Moreover, the presence of the large seal population attracts large numbers of non-bathing observers to the beach area. This interaction has raised additional safety concerns for both humans and the seals.

The La Jolla Children's Pool Beach Management and Water Quality Project proposes to restore a safe swimming area and acceptable water quality to the pool by reducing the beach width.

Out of 4,200 yd^3 (3,213 m^3) of sand in the pool area, approximately 3,000 yd^3 (2,295 m^3) will be excavated and removed to narrow the beach. Approximately 20 truckloads, or 100 yd^3 (76.5 m^3) per day, will be excavated from the Pool and transported to the disposal site. As a result, it is expected that the sand excavation activity will take up to 30 working days to complete. With a proposed completion date of May 27, 1999, should the timeline require fewer days for completion, the Project proposes using larger trucks to complete the project. After sand removal, the beach profile will be slowly adjusted such that the pool will be deeper and wider at the outer side, and shallower and narrower at the landward side, providing children with a safe area to swim. The City of San Diego expects that the excavation will enlarge the area available for recreational swimming and provide a safe region for the public away from the dangerous rip currents, and, by reducing the area available for harbor seals, water quality levels are expected to return to former levels that were acceptable and safe for human contact.

Description of Marine Mammals Affected by the Activity

General information on harbor seals and other marine mammal species found in Southern California waters can be found in Barlow *et al.* (1995, 1997). Please refer to those documents for information on these species.

Based on the most recent harbor seal counts (23,302 in May/June 1995; Hanan, 1996) and on Hanan's revised correction factor (1.3), the harbor seal population in California is estimated to number 30,293 (Barlow *et al.*, 1997). In California, there are approximately 400 to 500 harbor seal haul-out sites, widely distributed along the mainland and at offshore islands, including intertidal sandbars, rocky shores, and beaches.

In the Children's Pool area, researchers found that the monthly peak counts of harbor seals (based upon ground counts) present during the 2-year survey ranged from 11 to 142 (Yochem and Stewart, 1996). The range of other marine mammals present included 1 to 2 California sea lions and 1 northern elephant seal. While no seal births were observed in the Pool area during the study period, a few nursing pups were observed from April through June, with peak pup counts taking place in June.

Potential Effects on Marine Mammals

The marine mammal most likely to be impacted by the sand removal project is the harbor seal. However, one or two California sea lions and/or northern elephant seals might also be affected. The type of taking anticipated will be incidental harassment caused by the noise of excavation equipment and truck traffic. It is anticipated that the seals may be disturbed and will be flushed from the beach upon initiation of activities on a daily basis, unless they become acclimated to the activity. The number of seals disturbed will vary depending, in part, on the tidal elevation at the nearby haul-out site at Seal Rock at the time of initiation of the activity. Because the project will work only during daylight hours, seals may haul out upon conclusion of the day's activities. Alternatively, due to the activity of heavy machinery required to move the sand off the beach, the harbor seals may avoid the site for the duration of the project and haulout on the nearby Seal Rock Marine Mammal Reserve or at alternate sites. Once the project has been completed, there will be a reduced area for hauling out and increased competition with recreational users which will likely reduce the number of harbor seals returning to the Children's Pool area to haul-out. These seals are expected to utilize Seal Rock or other haulouts in the area. No seals are expected to be seriously injured or killed by this activity.

Monitoring and Reporting

One or more marine mammal biologists will conduct observations on harbor seal behavior before, during, and after the beach excavation project. Impacts will be observed and recorded as the sand removal begins and ends each work day. Upon completion of the project, data will be collected on the harbor seal population at Children's Pool daily for 2 weeks. Data collection format will follow that required for the 1994 to 1996 study conducted on the populations of harbor seals at Seal Rock Marine Mammal Reserve and Children's Pool by Hubbs-Sea World Research Institute. To assess any seasonal impact on the harbor seal population, quarterly observations will be recorded for a period of 1 year following completion of the project (July and October 1999, and January and April, 2000). A draft report will be submitted to NMFS within 90 days of completion of the 2-week post-project monitoring, and an interim report will be submitted within 90 days after the April 2000 observations. Both the draft and final reports will be subject to review and comment by NMFS. Any recommendations made by NMFS will need to be addressed in a final report prior to acceptance by NMFS.

Conclusions

NMFS has preliminarily determined that the short-term impact of excavating and removing beach sand at the La Jolla Children's Pool will result, at worst, in a temporary modification in behavior by harbor seals and possibly one or two California sea lions and northern elephant seals. While these behavioral modifications, including the permanent vacating the haulout at Children's Pool, may be made by these species to avoid the resultant excavation noise and smaller beach area, this action is expected to have no more than a negligible impact on the species or stocks of these animals. In addition, no take by injury and/or death is anticipated or authorized.

Proposed Authorization

NMFS proposes to issue an incidental harassment authorization to the City of San Diego for possible harassment of small numbers of Pacific harbor seals, California sea lions, and northern elephant seals incidental to excavating and removing beach sand at the La Jolla Children's Pool, La Jolla, CA. NMFS has preliminarily determined that the proposed activities would result in the harassment of only small numbers of each of these species of marine mammals and would have no more than a negligible impact on these marine mammal stocks.

Information Solicited

NMFS requests interested persons to submit comments, information, and suggestions concerning this request (see **ADDRESSES**).

Dated: February 17, 1999.

P. Michael Payne,

Acting Deputy Director, Office of Protected Resources, National Marine Fisheries Service.

[FR Doc. 99–4292 Filed 2–19–99; 8:45 am]

BILLING CODE 3510–22–F

COMMITTEE FOR THE IMPLEMENTATION OF TEXTILE AGREEMENTS

New Export Visa Stamp for Certain Wool Textile Products Produced or Manufactured in Russia

February 16, 1999.

AGENCY: Committee for the Implementation of Textile Agreements (CITA).

ACTION: Issuing a directive to the Commissioner of Customs providing for the use of a new export visa stamp.

EFFECTIVE DATE: March 1, 1999.

FOR FURTHER INFORMATION CONTACT: Naomi Freeman, International Trade Specialist, Office of Textiles and Apparel, U.S. Department of Commerce, (202) 482–4212.

SUPPLEMENTARY INFORMATION:

Authority: Section 204 of the Agricultural Act of 1956, as amended (7 U.S.C. 1854); Executive Order 11651 of March 3, 1972, as amended.

Beginning on March 1, 1999, the Government of the Russian Federation will start issuing a new export visa stamp for shipments of wool textile products in Category 435, produced or manufactured in Russia and exported from Russia on or after March 1, 1999. The new visa stamp reflects a name change from ''MINISTRY FOR FOREIGN ECONOMIC RELATIONS'' to ''MINISTRY OF TRADE'' but is otherwise unchanged. There will be a one-month grace period from March 1, 1999 through March 31, 1999, during which products exported from Russia may be accompanied by either the old or new export visa stamp. Products exported from Russia on or after April 1, 1999 must be accompanied by the new export visa stamp.

A facsimile of the new visa stamp is on file at the U.S. Department of Commerce, 14th and Constitution Avenue, NW., room 3104, Washington, DC.

See 62 FR 4729, published on January 31, 1997.

Troy H. Cribb,

Chairman, Committee for the Implementation of Textile Agreements.

Committee for the Implementation of Textile Agreements

February 16, 1999.

Commissioner of Customs,
Department of the Treasury, Washington, DC 20229.

Dear Commissioner: This directive amends, but does not cancel, the directive issued to you on January 28, 1997, as amended, by the Chairman, Committee for the Implementation of Textile Agreements. That directive directed you to prohibit entry of certain wool textile products in Category 435, produced or manufactured in Russia for which the Government of the Russian Federation has not issued an appropriate export visa.

Beginning on March 1, 1999, you are directed to amend further the directive dated January 28, 1997 to provide for the use of a new export visa stamp issued by the Government of the Russian Federation to accompany shipments of wool textile products in Category 435, produced or manufactured in Russia and exported from Russia on or after March 1, 1999. The new visa stamp reflects a name change from ''MINISTRY FOR FOREIGN ECONOMIC RELATIONS'' to ''MINISTRY OF TRADE'' but is otherwise unchanged.

Textile products exported from Russia during the period March 1, 1999 through March 31, 1999 may be accompanied by either the old or new export visa stamp. Products exported from Russia on or after April 1, 1999 must be accompanied by the new export visa stamp.

A facsimile of the new visa stamp is enclosed with this letter.

Shipments entered or withdrawn from warehouse according to this directive which are not accompanied by an appropriate export visa shall be denied entry and a new visa must be obtained.

The Committee for the Implementation of Textile Agreements has determined that this action falls within the foreign affairs exception to the rulemaking provisions of 5 U.S.C. 553(a)(1).

Sincerely,

Troy H. Cribb,

Chairman, Committee for the Implementation of Textile Agreements.

[FR Doc. 99–4250 Filed 2–19–99; 8:45 am]

BILLING CODE 3510–DR–F

DEPARTMENT OF EDUCATION

Notice of Proposed Information Collection Requests

AGENCY: Department of Education.

SUMMARY: The Acting Leader, Information Management Group, Office of the Chief Information Officer, invites comments on the proposed information collection requests as required by the Paperwork Reduction Act of 1995.

DATES: Interested persons are invited to submit comments on or before April 23, 1999.

ADDRESSES: Written comments and requests for copies of the proposed information collection requests should be addressed to Patrick J. Sherrill, Department of Education, 400 Maryland Avenue, S.W., Room 5624, Regional Office Building 3, Washington, D.C. 20202–4651, or should be electronically mailed to the internet address *Pat Sherrill@ed.gov*, or should be faxed to 202–708–9346.

FOR FURTHER INFORMATION CONTACT: Patrick J. Sherrill (202) 708–8196. Individuals who use a telecommunications device for the deaf (TDD) may call the Federal Information Relay Service (FIRS) at 1–800–877–8339 between 8 a.m. and 8 p.m., Eastern time, Monday through Friday.

SUPPLEMENTARY INFORMATION: Section 3506 of the Paperwork Reduction Act of 1995 (44 U.S.C. Chapter 35) requires that the Office of Management and Budget (OMB) provide interested Federal agencies and the public an early opportunity to comment on information collection requests. OMB may amend or waive the requirement for public consultation to the extent that public participation in the approval process would defeat the purpose of the information collection, violate State or Federal law, or substantially interfere with any agency's ability to perform its statutory obligations. The Acting Leader, Information Management Group, Office of the Chief Information Officer, publishes that notice containing proposed information collection requests prior to submission of these requests to OMB. Each proposed information collection, grouped by office, contains the following: (1) Type of review requested, e.g. new, revision, extension, existing or reinstatement; (2) Title; (3) Summary of the collection; (4) Description of the need for, and proposed use of, the information; (5) Respondents and frequency of collection; and (6) Reporting and/or Recordkeeping burden. OMB invites public comment at the address specified above. Copies of the requests are available from Patrick J. Sherrill at the address specified above.

The Department of Education is especially interested in public comment addressing the following issues: (1) is this collection necessary to the proper functions of the Department; (2) will this information be processed and used in a timely manner; (3) is the estimate of burden accurate; (4) how might the Department enhance the quality, utility, and clarity of the information to be collected; and (5) how might the Department minimize the burden of this collection on the respondents, including through the use of information technology.

Dated: February 16, 1999.

William E. Burrow,

Acting Leader, Information Management Group, Office of the Chief Information Officer.

Office of Postsecondary Education

Type of Review: Extension.

Title: Equity in Athletics Disclosure Act.

Frequency: Annually.
Affected Public: Not-for-profit institutions.
Reporting and Recordkeeping Burden:
Responses: 1,800.
Burden Hours: 9,900.
Abstract: The Equity in Athletics Disclosure Act amended the Higher Education Act of 1965 to require coeducational institutions of higher education that participate in any program under Title IV of the Higher Education Act of 1965 and have an intercollegiate athletic program, to annually make available upon request a report on institutional financing and student and staff participation in men's and women's intercollegiate athletics.

Office of Postsecondary Education

Type of Review: Extension.
Title: Student Right-to-Know.
Frequency: Annually.
Affected Public: Business or other for-profit; Not-for-profit institutions.
Reporting and Recordkeeping Burden:
Responses: 8,000.
Burden Hours: 240,100.
Abstract: These regulations require institutions that participate in a Title IV, Higher Education Act of 1965 program to make available to students and prospective students the graduation rates of full-time undergraduates. Institutions that are attended by students receiving athletically related student aid must make available to prospective student-athletics, and their parents, coaches, and counselors, the graduation rates of students, and student athletes, by race, gender, and sport.

[FR Doc. 99–4237 Filed 2–19–99; 8:45 am]
BILLING CODE 4000–01–P

DEPARTMENT OF EDUCATION

Notice of Proposed Information Collection Requests

AGENCY: Department of Education.

ACTION: Notice of proposed information collection requests.

SUMMARY: The Acting Leader, Information Management Group, Office of the Chief Information Officer, invites comments on the proposed information collection requests as required by the Paperwork Reduction Act of 1995.

DATES: An emergency review has been requested in accordance with the Act (44 U.S.C. Chapter 3507 (j)), since public harm is reasonably likely to result if normal clearance procedures are followed. Approval by the Office of Management and Budget (OMB) has been requested by March 1, 1999. Please send any comments on the emergency clearance to OMB by February 26, 1999. A regular clearance process is also beginning. Interested persons are invited to submit comments on or before April 23, 1999.

ADDRESSES: Written comments regarding the emergency review 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, N.W., Room 10235, New Executive Office Building, Washington, D.C. 20503. Comments regarding the regular clearance and requests for copies of the proposed information collection request should be addressed to Patrick J. Sherrill, Department of Education, 400 Maryland Avenue, S.W. , Room 5624, Regional Office Building 3, Washington, D.C. 20202–4651, or should be electronically mailed to the internet address *Pat—Sherrill@ed.gov*, or should be faxed to 202–708–9346.

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 Director of OMB provide interested Federal agencies and the public an early opportunity to comment on information collection requests. The Office of Management and Budget (OMB) may amend or waive the requirement for public consultation to the extent that public participation in the approval process would defeat the purpose of the information collection, violate State or Federal law, or substantially interfere with any agency's ability to perform its statutory obligations. The Acting Leader, Information Management Group, Office of the Chief Information Officer, publishes this notice containing proposed information collection requests at the beginning of the Departmental review of the information collection. 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. ED invites public comment at the address specified above. Copies of the requests are available from Patrick J. Sherrill at the address specified above.

The Department of Education is especially interested in public comment addressing the following issues: (1) is this collection necessary to the proper functions of the Department; (2) will this information be processed and used in a timely manner, (3) is the estimate of burden accurate; (4) how might the Department enhance the quality, utility, and clarity of the information to be collected, and (5) how might the Department minimize the burden of this collection on respondents, including through the use of information technology.

Dated: February 17, 1999.

William E. Burrow,

Acting Leader, Information Management Group, Office of the Chief Information Officer.

Office of Elementary and Secondary Education

Type of Review: New.
Title: Application for Grants Under the Class-Size Reduction Program.
Abstract: This information is required of States and Local Education Agencies for grants under the Class-Size Reduction Program, authorized under Division A of P.L. 105–277. This information will be used in the evaluation process of these grant funds.
Additional Information: These application guidance materials provide timely information about the Class-Size Reduction Program in order to assist Local Education Agencies to make plans for using these funds to reduce class size in the 1999–2000 school year.
Frequency: Annually.
Affected Public: State and Local Education Agencies.
Reporting and Recordkeeping Burden:
Responses: 14,057.
Burden Hours: 29,529.

[FR Doc. 99–4256 Filed 2–19–99; 8:45 am]
BILLING CODE 4000–01–P

DEPARTMENT OF EDUCATION

Submission for OMB Review; Comment Request

AGENCY: Department of Education.

SUMMARY: The Acting Leader, Information Management Group, 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 March 24, 1999.

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, N.W., Room 10235, New Executive Office Building, Washington, D.C. 20503 or should be electronically mailed to the internet address DWERFEL@OMB.EOP.GOV. Requests for copies of the proposed information collection requests should be addressed to Patrick J. Sherrill, Department of Education, 400 Maryland Avenue, S.W., Room 5624, Regional Office Building 3, Washington, D.C. 20202–4651, or should be electronically mailed to the Internet address *Pat__*Sherrill@ed.gov, or should be faxed to 202–708–9346.

In addition, interested persons can access this document on the Internet:

(1) Go to IFAP at http://ifap.ed.gov
(2) Click on the ''Bookshelf'' icon
(3) Scroll down and click on ''FAFSA and Renewal FAFSA Forms and Instructions''
(4) Click on ''By 2000–2001 Award Year''
(5) Click on ''FAFSA Instructions''
(6) Click on the red icon to open the file.

Please note that the free Adobe Acrobat Reader software, version 3.0 or greater, is necessary to view this file. This software can be downloaded for free from Adobe's website: *http://www.adobe.com*

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: There have been several major changes to the FAFSA since the draft posted for comment in the November 30, 1998 **Federal Register**.

- Addition of parents' SSNs and names. Two parent Social Security Numbers and two parent last names have been added to page 6 of the form. These will be required fields for dependent filers.
- Notice of IRS verification authority. A notice has been added to the certification language on page 6 of the form advising the applicant that the Secretary has the authority to verify income reported on the application with the Internal Revenue Service.
- Number of schools increased. The overall number of schools an applicant can list to receive his or her information has increased from six to eight. However, the fifth through eighth schools can only be listed by Federal School Code. Housing plans can only be listed for the first four schools.
- ''Drug Offense'' notice added. A ''drug offense'' notice has been added to the first page advising applicants that if they have ever been convicted of any offense under federal or state law involving possession or sale of a controlled substance they must report any such convictions to their financial aid office.
- Elimination of FAFSA.PDF. FAFSA.PDF, a means of submitting a FAFSA via portable document format (PDF) technology, will be discontinued for the 2000–2001 award year.

Section 3506 of the Paperwork Reduction Act of 1995 (44 U.S.C. Chapter 35) requires that the Office of Management and Budget (OMB) provide interested Federal agencies and the public an early opportunity to comment on information collection requests. OMB may amend or waive the requirement for public consultation to the extent that public participation in the approval process would defeat the purpose of the information collection, violate State or Federal law, or substantially interfere with any agency's ability to perform its statutory obligations. The Acting Leader, Information Management Group, Office of the Chief Information Officer, publishes that 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: February 17, 1999.

William E. Burrow,

Acting Leader, Information Management Group, Office of the Chief Information Officer.

Office of Postsecondary Education

Type of Review: Revision.

Title: Free Application for Federal Student Aid (FAFSA).

Frequency: Annually.

Affected Public: Individuals or households.

Reporting and Recordkeeping Burden:
Responses: 9,848,645
Burden Hours: 6,589,649

Abstract: Collects identifying and financial information from students applying for Federal student aid for postsecondary education. Used to calculate Expected Family Contribution and determine eligibility for grants and loans, under Title IV of the Higher Education Act (HEA).

[FR Doc. 99–4257 Filed 2–19–99; 8:45 am]
BILLING CODE 4000–01–P

DEPARTMENT OF EDUCATION

National Educational Research Policy and Priorities Board; Meeting

AGENCY: National Educational Research Policy and Priorities Board; Education.

ACTION: Notice of meeting.

SUMMARY: This notice sets forth the schedule and proposed agenda of a forthcoming meeting of the National Educational Research Policy and Priorities Board. Notice of this meeting is required under Section 10(a)(2) of the Federal Advisory Committee Act. This document is intended to notify the general public of their opportunity to attend the meeting.

Dates: March 18 and 19, 1999.

Time: March 18, 9 a.m. to 5 p.m.; March 19, 9 a.m. to 4:30 p.m.

Location: Room 100, 80 F St., NW, Washington, D.C. 20208–7564.

FOR FURTHER INFORMATION CONTACT: Thelma Leenhouts, Designated Federal Official, National Educational Research Policy and Priorities Board, Washington, D.C. 20208–7564. Tel.: (202) 219–2065; fax: (202) 219–1528; e-mail: Thelma__Leenhouts@ed.gov, or nerppb@ed.gov. The main telephone number for the Board is (202) 208–0692.

SUPPLEMENTARY INFORMATION: The National Educational Research Policy and Priorities Board is authorized by Section 921 of the Educational Research, Development, Dissemination, and Improvement Act of 1994. The Board works collaboratively with the Assistant Secretary for the Office of Educational Research and Improvement (OERI) to forge a national consensus with respect to a long-term agenda for educational research, development, and dissemination, and to provide advice and assistance to the Assistant Secretary in administering the duties of the Office. The meeting is open to the public. On March 18, the Board will discuss research issues with Dr. Rita Colwell, director of the National Science Foundation, and will receive a report on research priorities from the National Academy of Education. On March 19, the Board will discuss the

reauthorization of OERI and will hear committee and officers' reports. A final agenda will be available from the Board office on March 10, 1999, and will be posted on the Board's web site, http://www.ed.gov/offices/OERI/NERPPB/.

Records are kept of all Board proceedings and are available for public inspection at the office of the National Educational Research Policy and Priorities Board, Suite 100, 80 F St., NW, Washington, D.C. 20208–7564.

Dated: February 16, 1999.

Eve M. Bither,

Executive Director.

[FR Doc. 99–4243 Filed 2–19–99; 8:45 am]

BILLING CODE 4000–01–M

DEPARTMENT OF ENERGY

[FE Docket Nos. 99–01–NG, 99–03–NG, 99–02–NG, 99–04–NG, 92–24–NG, 99–05–NG, and 99–06–NG]

Office of Fossil Energy; Orders Granting and Transferring Authorizations To Import and/or Export Natural Gas

OGE Energy Resources, Inc., National Fuel Gas Distribution Corporation, Renaissance Energy (U.S.) Inc., Selkirk Cogen Partners, L.P., Coral Energy Resources, L.P. (Successor to Salmon Resources Ltd.), Transco Energy Marketing Company, and Petro-Canada Hydrocarbons Inc.

AGENCY: Office of Fossil Energy, DOE.

ACTION: Notice of orders.

SUMMARY: The Office of Fossil Energy (FE) of the Department of Energy gives notice that it has issued Orders granting and transferring various natural gas import and export authorizations. These Orders are summarized in the attached appendix.

These Orders may be found on the FE web site at http://www.fe.doe.gov., or on the electronic bulletin board at (202) 586–7853.

They are also available for inspection and copying in the Office of Natural Gas & Petroleum Import & Export Activities, Docket Room 3E–033, Forrestal Building, 1000 Independence Avenue, SW, Washington, DC 20585, (202) 586–9478. The Docket Room is open between the hours of 8:00 a.m. and 4:30 p.m., Monday through Friday, except Federal holidays.

Issued in Washington, DC, on February 12, 1999.

John W. Glynn,

Manager, Natural Gas Regulation, Office of Natural Gas & Petroleum Import & Export Activities, Office of Fossil Energy.

Attachment

APPENDIX ORDERS GRANTING AND TRANSFERRING IMPORT/EXPORT AUTHORIZATION

[DOE/FE Authority]

Order No.	Date issued	Importer/exporter FE docket No.	Two-year maximum		Comments
			Import volume	Export volume	
1452	01/11/99	OGE Energy Resources, Inc., 99–01–NG.	400 Bcf		Import and export up to a combined total from and to Canada beginning on the date of first delivery.
1453	01/21/99	National Fuel Gas Distribution Corporation, 99–03–NG.	33.8 Bcf		Import and export up to a combined total from and to Canada beginning on January 28, 1999, and ending on January 28, 2001.
1454	01/22/99	Renaissance Energy (U.S.) Inc., 99–02–NG.	250 Bcf		Import and export up to a combined total from and to Canada beginning on February 1, 1999, through January 31, 2001.
1455	01/22/99	Selkirk Cogen Partners, L.P., 99–04–NG.	57 Bcf		Import and export up to a combined total from and to Canada beginning on January 29, 1999, through January 28, 2001.
690–A	01/25/99	Coral Energy Resources, L.P., (Successor to Salmon Resources Ltd.), 92–24–NG.			Transfer of long-term import authority.
1456	01/28/99	Transco Energy Marketing Company, 99–05–NG.	730 Bcf		Import from Canada beginning on February 7, 1999, and ending on February 6, 2001.
1457	01/29/99	Petro-Canada Hydrocarbons Inc., 99–06–NG.	300 Bcf		Import from Canada beginning on March 4, 1999, through March 3, 2001.

[FR Doc. 99–4287 Filed 2–19–99; 8:45 am]

BILLING CODE 6450–01–P

DEPARTMENT OF ENERGY

Notice of Intent To Prepare an Environmental Impact Statement for Electrometallurgical Treatment of Sodium-Bonded Spent Nuclear Fuel in the Fuel Conditioning Facility at Argonne National Laboratory-West, Idaho National Engineering and Environmental Laboratory, Idaho

AGENCY: U.S. Department of Energy.

ACTION: Notice of intent to prepare an environmental impact statement.

SUMMARY: The Department of Energy announces its intent to prepare an Environmental Impact Statement (EIS) pursuant to the National Environmental Policy Act (NEPA) for the proposed electrometallurgical treatment of Department of Energy-owned sodium-bonded spent nuclear fuel in the Fuel Conditioning Facility at Argonne National Laboratory-West (ANL–W). ANL–W, a center of nuclear technology development and testing, is located on the Idaho National Engineering and Environmental Laboratory (INEEL) site in southeastern Idaho. The Department proposes to treat its inventory of sodium-bonded spent nuclear fuel to remove and stabilize the reactive metallic sodium constituent and to produce metal and ceramic waste forms, considered to be high-level waste, that would facilitate interim storage and ultimate disposal of this material. The EIS will evaluate reasonable action alternatives to electrometallurgical treatment in the Fuel Conditioning Facility at ANL-W and a no-action alternative. The Department invites the general public, other Federal agencies, American Indian tribes, state and local governments, and all other interested

parties to comment on the scope of this EIS.

DATES: To ensure consideration in the preparation of the draft EIS, comments should be transmitted or postmarked by April 8, 1999. Comments submitted after that date will be considered to the extent practicable.

The Department will conduct public scoping meetings in Idaho Falls and Boise in Idaho, near the Department's Savannah River Site (SRS) in South Carolina, and in the Washington, DC area, to provide the public with information about the proposed project and to receive oral and written comments on the scope of the EIS, including reasonable alternatives and environmental issues that the Department should consider. The dates, times, and locations for these public meetings are as follows:

March 9, 1999 (6:00 pm–9:00 pm)
Shilo Inn, 780 Lindsay Blvd., Idaho Falls, ID 83402, (208) 523–0088

March 11, 1999 (6:00 pm–9:00 pm)
Boise Centre on the Grove, 850 West Front Street, Boise, ID 83702, (208) 336–8900

March 15, 1999 (6:00 pm–9:00 pm)
North Augusta Community Center, 495 Brookside Avenue, North Augusta, SC 29842, (803) 441–4290

March 18, 1999 (2:00 pm–5:00 pm)
Hyatt Regency Crystal City, 2799 Jefferson Davis Highway, Arlington, VA 22202, (703) 418–1234

These public scoping meetings will also be announced in local media at least 15 days prior to the meeting dates. During the first hour of each meeting attendees may register, view displays and discuss issues and concerns informally with Department representatives, after which there will be a formal presentation, a follow-on question, answer, and comment period, and the opportunity for additional informal discussions.

ADDRESSES: Written comments on the scope of the EIS, requests to speak at the public scoping meetings, requests for special arrangements to enable participation at scoping meetings (e.g., an interpreter for the hearing impaired), requests to be placed on the EIS document distribution list, and questions concerning the project should be sent to: Susan Lesica, Document Manager, Office of Nuclear Facilities Management, Office of Nuclear Energy, Science, and Technology, U.S. Department of Energy, NE–40, 19901 Germantown Road, Germantown, Maryland 20874–1290

Interested parties may also submit comments and requests by facsimile to (877) 621–8288, or they may call (877) 450–6904 to leave a detailed message with their comments and requests. These are both toll-free telephone numbers. Comments and requests may also be submitted by electronic mail to emtEIS@hq.doe.gov.

FOR FURTHER INFORMATION CONTACT: For general information on the Department of Energy NEPA process, please contact: Carol Borgstrom, Director, Office of NEPA Policy and Assistance, Office of Environment, Safety and Health, U.S. Department of Energy, EH–42, 1000 Independence Avenue, SW, Washington, DC 20585–0119, 202–586–4600 or leave a message at 1–800–472–2756.

SUPPLEMENTARY INFORMATION:

Background

The Department of Energy is responsible for the safe and efficient management of 250 different types of spent nuclear fuel, including its ultimate disposition (which is expected to be disposal in a geologic repository). Some Department spent fuels may be suitable for disposal with little or no stabilizing treatment. Other spent fuel types may not be suitable for disposal without significant treatment or stabilization.

One type of spent nuclear fuel that may not be suitable for disposal without treatment is sodium-bonded spent nuclear fuel. Sodium-bonded spent nuclear fuel contains metallic sodium, a highly reactive material. Metallic sodium reacts vigorously with water or moist air producing heat, potentially explosive hydrogen gas, and sodium hydroxide, a corrosive substance. Sodium metal was used as a heat transfer medium within the stainless steel cladding of sodium-bonded fuel and as coolant in the nuclear reactors in which these fuels were used. To the extent possible, the highly reactive sodium has been removed from external surfaces of these fuels after their use, but a portion remains bonded to the uranium metal alloy fuel within the cladding and cannot be removed without further treatment. The presence of reactive or pyrophoric material, such as metallic sodium, could complicate the process of qualifying and licensing such spent fuel for disposal, which would require data and predictive analyses sufficient to demonstrate that emplacement of the spent fuel would not adversely affect a repository's ability to protect the environment and public health.

The Department believes that treatment to remove metallic sodium and convert this spent nuclear fuel into a compact waste form would reduce complications of disposal qualification and licensing. Technologies for spent nuclear fuel treatment that might facilitate such qualification and licensing should therefore be considered in reaching a disposition decision for Department-owned sodium-bonded fuels. One such technology for sodium-bonded spent fuel disposition is the electrometallurgical treatment technique that the Department is developing and demonstrating at the Argonne National Laboratory. This technology is currently the most developed for treatment of sodium-bonded spent fuel. In addition to electrometallurgical treatment, the Department will examine all reasonable alternative technologies and assess the technical risks associated with these various potential solutions.

In a 1995 report, the National Research Council Committee on Electrometallurgical Techniques for DOE Spent Fuel Treatment recommended that the Department confirm the technical feasibility and cost effectiveness of electrometallurgical treatment of its sodium-bonded spent nuclear fuel through a technology demonstration using sodium-bonded spent nuclear fuel that had been removed from the Experimental Breeder Reactor–II (EBR–II) at ANL–W. Prior to acting on the recommendation, the Department prepared the Environmental Assessment for the Electrometallurgical Treatment Research and Demonstration Project in the Fuel Conditioning Facility at Argonne National Laboratory-West (DOE/EA–1148) and issued a Finding of No Significant Impact on May 15, 1996. The demonstration project addresses both kinds of spent fuel assemblies in the EBR–II spent nuclear fuel inventory. These are driver fuel assemblies and blanket fuel assemblies, and they total about 26 metric tons of heavy metal (MTHM).

One MTHM is equal to 2,200 pounds of uranium, thorium, or plutonium. The driver fuel contains highly enriched uranium and was used in the active region of the nuclear reactor core. Blanket fuel contains depleted uranium and was used in areas around and near the driver fuel in the reactor core. The demonstration project now nearing completion involves treatment of 100 EBR–II driver assemblies and 25 EBR–II blanket assemblies (approximately 1.6 MTHM, or only 6.25% of the EBR–II inventory) in the Fuel Conditioning Facility at ANL–W. The research and demonstration project was initiated in June 1996 and is scheduled to be completed in August 1999.

The National Research Council is continuing to evaluate the electrometallurgical treatment research

and demonstration project. In its most recent report titled, Electrometallurgical Techniques for U.S. Department of Energy Spent Fuel Treatment—Spring 1998 Status Report on Argonne National Laboratory's R&D Activity (National Academy Press, Washington, DC, 1998), the Council acknowledged progress in the demonstration and recommended that the demonstration be carried to completion. The Department believes that this progress and the absence of significant roadblocks to successful completion of the demonstration warrant proposing electrometallurgical treatment of the remainder of the EBR–II and other sodium-bonded spent fuels (i.e., a total of 62 MTHM) and is initiating the environmental review process under NEPA. Accordingly, the Department is announcing its intent to prepare an EIS for the proposed treatment of the remainder of Department sodium-bonded spent nuclear fuel.

Data from the ongoing demonstration project will be used in preparing the EIS. The National Research Council will issue a final report on the technology demonstration upon completion of the demonstration project. DOE will consider the Council's report in reaching a decision regarding the disposition of sodium-bonded spent nuclear fuel.

Purpose and Need for Agency Action

In a 1995 agreement with the State of Idaho [Settlement Agreement and Consent Order issued by the Court on October 17, 1995, in the actions *Public Service Co. of Colorado* v. *Batt*, No. CV 91–0035–S–EJL (D. Id.), and *United States* v. *Batt*, No. CV 91–0054–EJL (D. Id.), the Department committed to remove all spent nuclear fuel from Idaho by 2035. More than 98 percent of the Department's sodium-bonded spent nuclear fuel is located at INEEL near Idaho Falls, Idaho, and is subject to the requirements of the Settlement Agreement and Consent Order. The remaining Department sodium-bonded spent nuclear fuel included in the proposed action is at the Hanford Reservation in Richland, Washington, the Sandia National Laboratories in Albuquerque, New Mexico, and the Oak Ridge National Laboratory in Oak Ridge, Tennessee. In order to remove sodium-bonded spent nuclear fuel from the State of Idaho to meet the terms of the Settlement Agreement and Consent Order referenced above, the Department believes the best approach would be to stabilize or remove the reactive metallic sodium constituent and prepare a waste form that may be more assuredly demonstrated to be acceptable for disposal.

It is also prudent to evaluate the electrometallurgical treatment proposal and alternative technologies now, while the Department is performing site characterization activities for a potential geologic repository. Contemplated waste forms resulting from treatment or packaging of sodium-bonded spent fuel should be developed as much as possible in parallel with any repository development to promote consistency between the two efforts and to minimize technical risks associated with waste form qualification and acceptance for geologic disposal. While the alternative technologies for treatment of sodium-bonded spent fuel may not be as mature as the electrometallurgical treatment technology, their potential utility can be assessed in this EIS. Should the Department decide, after completing this EIS, to pursue a disposition path other than electrometallurgical treatment, there will still be sufficient time to develop an alternative technology. If a treatment technology decision is significantly delayed, however, the Department could functionally lose its expertise and corporate experience in the specialized electrometallurgical treatment technology at ANL–West, which would hamper future consideration and increase the cost of electrometallurgical treatment for sodium-bonded spent fuel disposal. Therefore, the Department believes it is prudent to proceed now with this EIS for electrometallurgical treatment of sodium-bonded spent fuel.

Proposed Action

The Department proposes to treat its sodium-bonded spent nuclear fuel [1] using the electrometallurgical treatment process in the Fuel Conditioning Facility at ANL–W. Electrometallurgical processing involves the dissolution of spent nuclear fuel by use of an electric current in a molten salt mixture. The uranium in the fuel would be collected from a molten salt mixture at the cathode and subsequently melted and cast into metal ingots. The metal cladding from the fuel elements and noble metal fission products would be retrieved undissolved from the anode, melted, and cast into metal ingots. Remaining fission products and all transuranic elements would be removed from the molten salt mixture by ion exchange and subsequently isolated in a ceramic waste form. In this process, the metallic sodium in the spent nuclear fuel would be converted to non-reactive sodium chloride (same composition as table salt) and incorporated in the ceramic waste form.

Based on available information, the Department believes the electro-metallurgical treatment process would produce metal and ceramic high-level radioactive waste forms that could be qualified and licensed for disposal. In addition, uranium would be separated from both the driver fuel and the blanket fuel and not disposed of. The highly enriched uranium separated from the driver fuel assemblies would be immediately blended down in the Fuel Conditioning Facility to form low-enriched uranium. This low-enriched uranium and the depleted uranium that would be separated from blanket fuel assemblies would be cast as metal ingots and stored with other uranium metal inventories at INEEL. The disposition of these materials would be included in future Departmental decisions regarding other similar materials.

The sodium-bonded spent nuclear fuel inventory being proposed for electrometallurgical treatment totals approximately 62 MTHM. This inventory of sodium-bonded spent nuclear fuel is currently stored as follows:

- Approximately 24 MTHM of EBR–II sodium-bonded driver and blanket assemblies currently stored at ANL–W and approximately 2 MTHM at the Idaho Nuclear Technology and Engineering Center (INTEC), both located at INEEL.
- Approximately 35 MTHM of sodium-bonded spent nuclear fuel from the Fermi-1 reactor, currently stored at INTEC.
- Less than one MTHM consisting of six irradiated sodium-bonded fuel assemblies and a number of sodium-bonded spent nuclear fuel pins currently stored at the Hanford Reservation near Richland, Washington.
- Less than 0.1 MTHM consisting of experimental capsules currently stored at INTEC and Clinch River Breeder Reactor Program experimental capsules currently stored at Sandia National Laboratories, Albuquerque, New Mexico.
- Less than 0.01 MTHM consisting of miscellaneous fast reactor development fuel currently stored at Oak Ridge National Laboratory, Oak Ridge, Tennessee.

[1] The Department has no plan or intention to apply this technology to any other types of spent nuclear fuel. Nevertheless, the Department can foresee a potential need to treat small quantities of certain spent fuels if a non-treatment (e.g., high integrity can) approach to disposing of such spent fuels were to be determined not to meet disposal requirements. In that case, electrometallurgical treatment might be among the reasonable alternative treatment technologies that would be considered.

The sodium-bonded spent nuclear fuels located at the Hanford Reservation, Oak Ridge, and Sandia can be transported to INEEL pursuant to the Record of Decision (60 FR 28680, June 1, 1995) for the Department of Energy's Programmatic Spent Nuclear Fuel Management and Idaho National Engineering Laboratory Environmental Restoration and Waste Management Final Environmental Impact Statement (DOE/EIS–0203–F), under the Settlement Agreement and Consent Order described above. These spent fuels pose the same waste form acceptability issues and are amenable to the same treatments as the EBR–II and Fermi-1 fuels stored at INEEL.

Alternatives To Be Evaluated

The Department has identified the following alternatives to the proposed electrometallurgical treatment of sodium-bonded spent nuclear fuel in the Fuel Conditioning Facility at ANL–W.

A. *No Action Alternative:* Under this alternative, the Department would not treat its sodium-bonded spent nuclear fuel to facilitate disposal. Analyses will address the viability of disposal without treatment, and the impacts of continued storage at current locations. Both temporary storage (to await alternative technology development) and indefinite storage (in lieu of disposal) will be considered in these analyses. Indefinite storage of spent nuclear fuel in Idaho would not be consistent with the Settlement Agreement and Consent Order in which the Department committed to remove all spent nuclear fuel from Idaho by 2035.

B. *Technology Alternatives:* The National Research Council independently assessed other treatment technologies as possible alternatives to electrometallurgical treatment for EBR–II sodium-bonded spent nuclear fuel. It concluded that all of the alternative treatment processes evaluated, except the Plutonium-Uranium Extraction (PUREX) process, are at an early stage of development. Significant research, development, and demonstrations would be required to develop these alternative treatment processes to the level of technical maturity of the electrometallurgical treatment process for sodium-bonded spent fuel. However, the Department will examine and analyze these alternative technologies:

1. PUREX Process. This solvent extraction method for separating and purifying uranium, plutonium, and other radionuclides from spent nuclear fuel and irradiated targets is presently practiced at the SRS for stabilization of materials that are not suitable for prolonged storage in their present forms, and as such pose potential health and safety risks. In the Savannah River Site Spent Nuclear Fuel Management EIS, the Department is currently evaluating use of the PUREX process for stabilizing approximately 17 MTHM of previously declad EBR–II spent nuclear fuel stored at the SRS site. Use of the PUREX facility to treat sodium-bonded spent nuclear fuel being considered under this alternative would require development of specific processes for removing the stainless-steel cladding and sodium from the spent fuel.

The Department intends to evaluate the PUREX process at SRS as an alternative to electrometallurgical treatment of the sodium-bonded spent fuel inventory. Material streams from the PUREX process would be uranium trioxide, plutonium metal, high-level waste in the form of borosilicate glass canisters, and grouted low-level waste.

2. High-Integrity Cans. Under this alternative, the spent fuel would be placed in high-integrity cans, after as little treatment as necessary, to prepare it for disposal. This alternative would include removal of as much of the metallic sodium as possible from the spent fuel prior to loading it in the cans.

3. Glass Material Oxidation and Dissolution System (GMODS). The basic concept is to combine unprocessed sodium-bonded spent nuclear fuel and a sacrificial oxide, lead-borate glass, in a glass melter at a temperature of 800–1000 °C. The uranium and the plutonium in the spent fuel would be converted into oxides and dissolved in the glass. Options to be analyzed are direct production of a borosilicate glass waste form from the melt, using the melt as a feed to the PUREX process, and coupling GMODS to the SRS Defense Waste Processing Facility, where the melt would be fed directly to the existing glass melter. Due to the powerful dissolution and oxidation properties of the lead-borate glass melt, containment is a concern, and a water-cooled, cold-wall, induction-heated melter must be used.

4. Melt and Dilute Process. The process would be similar to that proposed for the treatment of aluminum-based spent nuclear fuels at the SRS. The sodium-bonded spent fuel would be chopped and melted at approximately 650 to 850 °C and then diluted by the addition of depleted uranium and iron.

5. Chloride Volatility Process. This process would use the differences in volatilities of chloride compounds to separate the constituents of spent nuclear fuel. The major steps are: (1) high-temperature chlorination at about 1500 °C and conversion of metallic fuel and cladding to gaseous chloride compounds; (2) removal of the transuranic chlorides and most of the fission products in a molten zinc chloride bed at approximately 400 °C; (3) condensation of the other chlorides (e.g., uranium hexachloride) in a series of fluidized beds and condensers at successively lower temperatures; and (4) zinc chloride regeneration/recycling. The transuranics and fission product chlorides would then be converted into either fluorides or oxides for disposal.

6. Direct Plasma Arc-Vitreous Ceramic Process. In this process, the spent nuclear fuel would be melted and oxidized with the help of an oxygen lance in a rotating furnace containing molten ceramic materials at a temperature of 1600 °C or higher. A direct current plasma torch would supply the energy required in the process. Rotation would be used to keep the molten pool in the furnace. When the spent fuel is homogeneously melted and oxidized throughout the ceramic, rotation would be slowed to allow the molten vitreous ceramic to pour out by gravity flow into a canister.

C. *Location Alternatives:* An alternative location for electrometallurgical treatment on the INEEL site is the Test Area North Hot Cell Facility. This alternative to the Fuel Conditioning Facility at ANL–W will be evaluated in the EIS.

U.S. Nonproliferation Policy Implications

The United States does not encourage the civil use of plutonium, and accordingly, does not itself engage in plutonium reprocessing for either nuclear power or nuclear explosive purposes. Consistent with this policy, the proposed action would not separate plutonium from the processed sodium-bonded spent fuels. Further, by removing and diluting the highly enriched uranium in the sodium-bonded driver fuel to low-enriched uranium, the proposed project would support the U.S. goal of minimizing civilian use of highly enriched uranium. However, to address the concerns that the treatment of this fuel could encourage reprocessing in other countries, the Department (Office of Nonproliferation and National Security) will assess the nonproliferation impacts of all the treatment technologies in the draft EIS. This assessment will be made publicly available during the EIS process. The combination of the information contained in the draft EIS, the public comment in response to the draft EIS, and the nonproliferation impacts assessment report will enable

the Department to make a sound decision regarding how to manage the sodium-bonded spent nuclear fuel.

Preliminary Identification of Environmental Issues

The issues listed below have been tentatively identified for analysis in the EIS. This list is presented to facilitate public comment on the scope of the EIS. It is not intended to be all-inclusive or to predetermine the potential impacts of any of the alternatives. The Department seeks public comment on the adequacy and inclusiveness of the following issues.

- Potential impact on ecosystems, including air quality, surface, and groundwater quality, and plants and animals.
- Potential health and safety impact to on-site workers and to the public resulting from operations, including reasonably foreseeable accidents.
- Potential health and safety, environmental, and other impact related to the transport of spent nuclear fuel for treatment.
- Considerations related to the generation, treatment, storage, and disposal of wastes, including the potential acceptability of waste forms at a geologic repository.
- Potential cumulative impacts of electrometallurgical and alternative treatment process operations, including relevant impact from other past, present, and reasonably foreseeable activities at the operation site.
- Potential impact on cultural resources.
- Potential socioeconomic impact, including any disproportionate impacts on minority and low income populations.
- Pollution prevention and waste minimization opportunities.

Related NEPA Documentation

NEPA documents that have been or are being prepared for activities related to the proposed action include, but are not limited to, the following:

- U.S. Department of Energy, ''Electrometallurgical Treatment Research and Demonstration Project in the Fuel Conditioning Facility at Argonne National Laboratory-West; Environmental Assessment,'' DOE/EA–1148, May 1996
- U.S. Department of Energy, ''Programmatic Spent Nuclear Fuel Management and Idaho National Engineering Laboratory Environmental Restoration and Waste Management; Final Environmental Impact Statement,'' DOE/EIS–0203–F, April 1995, and Record of Decision, May 30, 1995
- U.S. Department of Energy, ''Savannah River Site, Spent Nuclear Fuel Management, Draft Environmental Impact Statement,'' DOE/EIS–0279D, December 1998
- U.S. Department of Energy, ''Draft Environmental Impact Statement for a Geologic Repository for the Disposal of Spent Nuclear Fuel and High-Level Radioactive Waste at Yucca Mountain, Nye County, Nevada,'' DOE/EIS–0250—in preparation

Public Involvement Opportunities

The Department encourages public involvement in the preparation of the EIS and solicits public comments on its scope and content, as well as public participation at the public scoping meetings in Idaho, South Carolina, and the Washington, DC area. Department of Energy personnel will be available at the scoping meetings to explain the proposed project and answer questions. The Department will designate a facilitator for the scoping meetings. At the opening of each meeting, the facilitator will establish the order of speakers and will announce any additional procedures necessary for conducting the meeting. Additionally, during the first hour of each meeting attendees may register, view displays and discuss issues and concerns informally with Department representatives, after which there will be a formal presentation, a question and answer, and comment period, and the opportunity for additional informal discussions. To ensure that all persons wishing to make a presentation during the period for questions and answers or comments are given the opportunity to speak, a five-minute limit may be applied for each speaker, except that public officials and representatives of groups would be allotted ten minutes each. The Department encourages those providing oral comments to also submit them in writing. Comment cards will be available at the meetings for those who prefer to submit their comments in writing. Speakers may be asked clarifying questions to ensure that the Department representatives fully understand the comments and suggestions made by meeting participants, but the scoping meetings will not be conducted as evidentiary hearings.

The Department will make transcripts of public scoping meetings, copies of background documents, and other materials related to the proposed project and the development of the EIS available for public review in the following reading rooms:

Washington, DC: U.S. Department of Energy, Freedom of Information Reading Room, Forrestal Building, Room 1E–190, 1000 Independence Avenue, SW, Washington, DC 20585–0117, 202–586–3142

Idaho Falls, Idaho: Idaho National Engineering and Environmental Laboratory, DOE—Idaho Operations Office Public Reading Room, 1776 Science Center Drive, Idaho Falls, ID 83415, 208–526–0271

Richland, Washington: [for vicinity of the Hanford Reservation], DOE Public Reading Room, 2770 University Drive, CIC, Room 101L, Richland, WA 99352, 509–372–7443, (Fax) 509–372–7444

Albuquerque, New Mexico: [for vicinity of Sandia National Laboratories], University of New Mexico, Government Information Department, Zimmerman Library, Albuquerque, NM 87131–1466, 505–277–0582

Aiken, South Carolina: [for vicinity of the Savannah River Site], University of South Carolina—Aiken, Gregg-Graniteville Library, 171 University Parkway, Aiken, SC 29803, 803–648–6851

Oak Ridge, Tennessee: [for vicinity of the Oak Ridge National Laboratory], DOE Public Reading Room, 230 Warehouse Road, Bldg 1916–T–2, Suite 300, Oak Ridge, TN 37831, 423–241–4780 and DOE Information Resource Center, 105 Broadway Avenue, Oak Ridge, TN 37830, 423–241–4582

NEPA Process

The EIS for Electrometallurgical Treatment of Sodium-Bonded Spent Nuclear Fuel in the Fuel Conditioning Facility at ANL–W will be prepared in accordance with the NEPA of 1969, the Council on Environmental Quality's Regulations for Implementing the Procedural Provisions of NEPA (40 CFR Parts 1500–1508), and the U.S. Department of Energy NEPA Implementing Procedures (10 CFR Part 1021).

A 45-day comment period on the draft EIS is planned, during which public hearings to receive comments will be held. The draft EIS is scheduled to be issued in July 1999. Availability of the draft EIS, the dates of the public comment period, and information about the public hearings will be announced in the **Federal Register** and in local news media when the draft EIS is distributed. The final EIS, which will consider and respond to the public comments received on the draft EIS, is scheduled to be issued in December 1999. No sooner than 30 days after the U.S. Environmental Protection Agency's notice of availability of the final EIS is published in the **Federal Register**, the Department will issue its Record of

Decision and publish it in the **Federal Register**.

Signed in Washington, DC, this 16th day of February 1999.

Peter N. Brush,

Principal Deputy Assistant Secretary, Environment, Safety and Health.

[FR Doc. 99–4289 Filed 2–19–99; 8:45 am]

BILLING CODE 6450–01–P

DEPARTMENT OF ENERGY

Notice of Intent To Prepare a Supplemental Environmental Impact Statement for Alternatives to the In-Tank Precipitation Process at the Savannah River Site, Aiken, SC

AGENCY: Department of Energy.

ACTION: Notice of intent.

SUMMARY: The Department of Energy (DOE) intends to prepare a supplemental environmental impact statement (SEIS) on the proposed replacement of the in-tank precipitation (ITP) process at the Savannah River Site (SRS) near Aiken, South Carolina. The ITP process was intended to separate soluble high-activity radionuclides (for example, cesium, strontium, uranium, and plutonium) from liquid high-level radioactive waste before vitrifying the high-activity fraction of the waste in the Defense Waste Processing Facility and disposing of the low-activity fraction as saltstone in vaults at the SRS. Initial ITP testing and operation and subsequent studies have demonstrated that the ITP process as presently configured cannot achieve production goals and safety requirements for processing high-level waste. In response, DOE, Westinghouse Savannah River Company, and independent reviewers evaluated a large number of alternative technologies to identify viable alternatives to the ITP process. DOE determined that three technologies should undergo further research and design to determine the most appropriate replacement for the ITP process. Because replacement of the ITP process constitutes a substantial change to the operation of the Defense Waste Processing Facility as evaluated in a 1994 SEIS (DOE/EIS–0082–S), DOE will prepare a second SEIS that will address the potential environmental impacts of alternatives to the ITP process. DOE invites comments on the scope of this SEIS.

DATES: The public scoping period begins with the publication of this Notice and concludes April 8, 1999. DOE invites Federal agencies, Native American tribes, State and local governments, and the public to comment on the scope of this SEIS. DOE will consider all comments received by the close of the scoping period, and will consider comments received after that date to the extent practicable.

Two public scoping workshops will be held during the scoping period:

March 11, 1999, 2:00–4:00 pm and 6:00–8:00 pm, Holiday Inn Coliseum, 630 Assembly Street, Columbia, South Carolina; and

March 18, 1999, 2:00–4:00 pm and 6:00–8:00 pm, North Augusta Community Center, 101 Brookside Drive, North Augusta, South Carolina.

These scoping workshops will provide information about SRS high-level waste processing and the proposal to replace the ITP process, including the alternatives being considered. The workshops will provide opportunities for the public to comment orally or in writing on the SEIS scope, including the alternatives and issues that DOE should consider in the SEIS.

ADDRESSES: Comments on the scope of the SEIS may be mailed to the address below or sent by fax, voice mail, or electronic mail. Written comments on the scope of this EIS may be mailed to Andrew Grainger, NEPA Compliance Officer, Savannah River Operations Office, U.S. Department of Energy, Building 742A, Room 183, Aiken, South Carolina 29802. Attention: ITP SEIS.

Otherwise, call 800–881–7292 for toll-free 24-hour fax and voice mail (local and nationwide), or send electronic mail to nepa@srs.gov.

FOR FURTHER INFORMATION CONTACT: To request information about this SEIS and the public scoping workshops, or to be placed on the SEIS distribution list, use any of the methods listed in **ADDRESSES** above. For general information about the DOE National Environmental Policy Act (NEPA) process, contact: Carol Borgstrom, Director, Office of NEPA Policy and Assistance (EH–42), U.S. Department of Energy, 1000 Independence Avenue, SW, Washington, D.C. 20585–0119. Phone: 202–586–4600, or leave a message at: 800–472–2756. Fax: 202–586–7031.

SUPPLEMENTARY INFORMATION:

Background and Need for Agency Action

At its inception in the 1950s, the primary mission of the SRS was to produce nuclear materials to support the defense programs of the United States. This mission largely ended and production of nuclear materials ceased following the dissolution of the Soviet Union. Before production ended, however, chemical separation of irradiated nuclear reactor fuel at SRS had generated special nuclear materials and high-level radioactive waste consisting of acidic liquids bearing radioactive fission products, including small amounts of transuranic elements. This waste was made alkaline and stored as insoluble sludges and liquid supernate containing high- and low-activity salts in solution in 51 large underground tanks at the SRS F- and H-Area Tank Farms. Two tanks have been closed, and now approximately 129 million liters (34 million gallons) of high-level radioactive waste are stored in 49 tanks.

These tanks are one of seven interconnected parts of the high-level waste management system at the SRS:

(1) High-level Waste Storage and Evaporation (in the F- and H-Area Tank Farms);

(2) Salt Processing (through the ITP process and in the Late Wash Facility);

(3) Sludge Processing (in the Extended Sludge Processing Facility);

(4) High-level Waste Vitrification (in the Defense Waste Processing Facility);

(5) Wastewater Treatment (in the Effluent Treatment Facility);

(6) Low-activity Salt Solidification (in the Saltstone Facility); and

(7) Organic Waste Destruction (in the Consolidated Incineration Facility).

This system, except for salt processing through ITP and in the Late Wash Facility, is operational. ITP operations are currently limited to safe storage and transfer of materials. The Late Wash Facility has been tested and is in standby status.

The ITP process was first applied to radioactive waste in September 1995. The process was carried out in batches in a large tank. Precipitating reagents were added to high-level liquid waste to separate the high-activity waste fraction (for example, cesium, strontium, uranium, and plutonium) from the low-activity fraction. Monosodium titanate was used to adsorb strontium, uranium, and plutonium, and then sodium tetraphenylborate was added to precipitate cesium. The high-activity fraction (adsorbed radionuclides and precipitate) was to be vitrified in the Defense Waste Processing Facility for eventual disposal in a geologic repository, and the low-activity fraction was to be solidified in the Saltstone Facility and disposed of in the SRS saltstone vaults in the Z-Area.

In December 1995, DOE found that the ITP process was generating benzene at higher rates than expected. The benzene is a flammable decomposition byproduct of sodium tetraphenylborate. In August 1996, the Defense Nuclear Facilities Safety Board, an independent executive branch organization chartered to provide advice regarding public

health and safety issues at DOE defense nuclear facilities, recommended that testing and operating the ITP process not proceed until DOE had an improved understanding of how benzene could be generated and released during the ITP process. ITP operations were suspended in January 1998.

Subsequent studies demonstrated that the ITP process as currently configured cannot achieve production goals and meet safety requirements for processing the high-activity salt fraction of high-level waste. In response, DOE, Westinghouse Savannah River Company, and independent reviewers evaluated a large number of alternative technologies to identify viable alternatives to the ITP process (''DOE–SR Review Team Final Report on the High Level Waste Salt Disposition Alternatives,'' December 1998). This evaluation resulted in the preparation of pre-conceptual designs for four technologies: (1) small tank in-tank precipitation (using tetraphenylborate), (2) ion exchange (using crystalline silicotitanate), (3) direct disposal as grout, and (4) caustic side solvent extraction. Of these four technologies, DOE has determined that the solvent extraction alternative is not sufficiently developed to warrant further analysis.

DOE has determined that replacing the ITP process would substantially change the proposed operation of the Defense Waste Processing Facility as evaluated in DOE's 1994 Supplemental EIS (DOE/EIS–0082–S). DOE therefore will prepare a Supplemental EIS to evaluate the potential environmental impacts of replacing the ITP process, in accordance with the Council on Environmental Quality National Environmental Policy Act regulations (40 CFR 1502.9(c)).

The SEIS Schedule

DOE intends to complete this SEIS by about February 2000. DOE will issue a Record of Decision no sooner than 30 days after publication of the Environmental Protection Agency notice of availability of the Final SEIS. DOE will begin detailed design for an ITP replacement technology only after issuing a Record of Decision that selects such a technology.

Alternatives

In the SEIS, DOE will assess the potential impacts of three ITP replacement processes and a no-action alternative. DOE does not have a preferred alternative at this time.

Small Tank In-Tank Precipitation: This alternative would use the same chemicals and process as the existing ITP batch process, but would operate continuously in smaller tanks. High-level liquid waste from the tanks would undergo precipitation within continuously stirred tank (chemical) reactors to separate the high-activity waste fraction from the low-activity fraction. That is, strontium, uranium, and plutonium would be adsorbed on monosodium titanate and cesium would be precipitated with sodium tetraphenylborate. Benzene generation would be at approximately the level predicted for the ITP process in the 1994 SEIS. The high-activity fraction (adsorbed radionuclides and precipitate) would be vitrified in the Defense Waste Processing Facility for eventual disposal in a geologic repository, and the low-activity fraction would be solidified in the Saltstone Facility and disposed of in the SRS saltstone vaults in the Z-Area. Implementation of this alternative would require the construction and operation of a new treatment facility in H-Area. Closure of the high-level waste tanks, which DOE is now evaluating in an EIS (Notice of Intent, 63 FR 71628, December 29, 1998), would not be affected.

Ion Exchange: This alternative would use a different ion exchange medium from that considered in the 1994 SEIS and would not result in benzene formation. High-level liquid waste would first be mixed with monosodium titanate and filtered to remove adsorbed uranium, plutonium, and strontium. Then crystalline silicotitanate resin ion exchange columns would be used to remove cesium from the salt solution. The high-activity fraction (adsorbed radionuclides and cesium-bearing resins) would be vitrified in the Defense Waste Processing Facility for eventual disposal in a geologic repository, and the low-activity fraction would be solidified in the Saltstone Facility and disposed of in the SRS saltstone vaults in the Z-Area. Implementation of this alternative would require the construction and operation of a new treatment facility in H-Area. Closure of the high-level waste tanks would not be affected.

Direct Disposal as Grout: In this alternative, high-level liquid waste would be mixed with monosodium titanate and filtered to remove adsorbed uranium, plutonium, and strontium. The adsorbed solids would be vitrified in the Defense Waste Processing Facility for eventual disposal in a geologic repository. The filtered salt solution, which would contain radioactive cesium, would be combined with grout in a facility that would be constructed under this alternative, and disposed of in the SRS saltstone vaults in the Z-Area. Closure of the high-level waste tanks would not be affected.

No-Action Alternative: The no-action alternative would be to continue current activities without the ITP process. The Defense Waste Processing Facility would vitrify only sludge from the high-level waste tanks. Salt solution would not be removed from the high-level waste tanks and therefore the tank closures could not be completed.

Related NEPA Decisions and Reviews

This SEIS will consider the information and analyses found in several final DOE NEPA reviews that address high-level waste management systems at SRS:

- Final Environmental Impact Statement, Defense Waste Processing Facility, Savannah River Plant, Aiken, S.C., DOE/EIS–0082, 1982.
- Final Supplemental Environmental Impact Statement, Defense Waste Processing Facility, DOE/EIS–0082–S, 1994.
- Final Environmental Impact Statement, Savannah River Site Waste Management, DOE/EIS–0217, 1995.
- Supplement Analysis, Defense Waste Processing Facility Salt Disposition Options at the Savannah River Site, DOE/EIS–0082–SA–03, November 1998.

The documents are available in the following DOE public reading rooms: DOE Freedom of Information Reading Room, Forrestal Building, Room 1E–190, 1000 Independence Ave., SW, Washington, DC 20585 (phone 202–586–6020); and DOE Public Document Room, University of South Carolina, Aiken Campus, University Library, Second Floor, 171 University Parkway, Aiken, SC 29801 (phone 803–648–6851).

DOE also will use additional information and analyses, including engineering design and research studies developed during the preliminary evaluation of alternatives to the ITP process, and reviews of the design and research conducted by independent experts.

Preliminary Identification of EIS Issues

DOE intends to address the following issues when considering the potential environmental impacts of the ITP replacement alternatives in this EIS. DOE invites comment from Federal agencies, Native American tribes, State and local governments, and the public on these and any other issues that should be addressed in the EIS.

- Effects on air, soil, and surface and ground water from construction, routine operations, and reasonably foreseeable accidents.

- Impacts to ecological resources, including threatened and endangered species, floodplains, and wetlands.
- Health impacts to the public and SRS workers from exposure to radiological and hazardous materials during routine operations and reasonably foreseeable accidents.
- Socioeconomic impacts, including impacts associated with the workforce required to construct and operate an ITP replacement.
- Disproportionately high and adverse impacts to minority and low-income populations (environmental justice).
- Compliance with applicable Federal, State and local requirements and agreements.
- Effects of constructing and operating an ITP replacement technology on SRS waste management operations and facilities.
- Relationship to SRS land use plans.
- Pollution prevention, waste minimization, and energy and water use reduction technologies to reduce the use of energy, water, and hazardous substances and to minimize environmental impacts during construction and operation of an ITP replacement.
- Impacts on cultural and historic resources.
- Cumulative environmental impacts of past, present, and reasonably foreseeable future operations at the SRS.
- Irreversible and irretrievable commitment of resources.

Issued in Washington, DC, on February 16, 1999.

Peter N. Brush,

Principal Deputy Assistant Secretary Environment, Safety and Health.

[FR Doc. 99–4288 Filed 2–19–99; 8:45 am]

BILLING CODE 6450–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket No. TM99–6–23–000]

Eastern Shore Natural Gas Company; Notice of Proposed Changes in FERC Gas Tariff

February 16, 1999.

Take notice that on February 10, 1999, Eastern Shore Natural Gas Company (ESNG) tendered for filing as part of its FERC Gas Tariff, Second Revised Volume No. 1, certain revised tariff sheets in the above captioned dockets. Such revised tariff sheets bear proposed effective dates of January 1, 1999 and February 1, 1999, respectively.

ESNG states the purpose of the instant filing is to track rate changes attributable to storage service purchased from Transcontinental Gas Pipe Line Corporation (Transco) under its Rate Schedules GSS and LSS, respectfully, the costs of which comprise the rates and charges payable under ESNG's respective Rate Schedule GSS and LSS. Transco filed its GSS and LSS storage tracking filing on January 27, 1999. This tracking filing is being made pursuant to Section 3 of ESNG's Rate Schedule GSS and LSS.

ESNG states that copies of the filing have been served upon its jurisdictional customers and interested State Commissions.

Any person desiring to be heard or to protest said filing should file a motion to intervene or a protest with the Federal Energy Regulatory Commission, 888 First Street, N.E., Washington, D.C. 20426, in accordance with Sections 385.214 or 385.211 of the Commission's Rules and Regulations. All such motions or protests must be filed in accordance with § 154.210 of the Commission's Regulations. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceedings. Any person wishing to become a party must file a motion to intervene. Copies of this filing are on file with the Commission and are available for public inspection in the Public Reference Room. This filing may be viewed on the web at http://www.ferc.fed.us/online/rims.htm (call 202–208–2222 for assistance).

Linwood A. Watson, Jr.,

Acting Secretary.

[FR Doc. 99–4232 Filed 2–19–99; 8:45 am]

BILLING CODE 6717–01–M

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Project No. 1994–004 Utah]

Heber Light & Power Company; Notice of Availability of Final Environmental Assessment

February 16, 1999.

In accordance with the National Environmental Policy Act of 1969 and the Federal Energy Regulatory Commission's (Commission) regulations, 18 CFR Part 380 (Order No. 486, 52 FR 47897), the Office of Hydropower Licensing has reviewed the application for a new license for the Snake Creek Hydroelectric Project. The project is located on Snake Creek and partially within the Uinta National Forest, in Wasatch County, Utah.

On October 9, 1998, the Commission staff issued a draft environmental assessment (DEA) for the project and requested that comments be filed with the Commission within 30 days. Comments on the DEA were filed by one entity and are addressed in the final environmental assessment (FEA) for the project.

The FEA contains the staff's analysis of the potential environmental impacts of the project and concludes that licensing the project, with appropriate environmental protective measures, would not constitute a major federal action that would significantly affect the quality of the human environment. The U.S.D.A. Forest Service cooperated with the Commission by reviewing and commenting on drafts of the FEA.

Copies of the FEA are available for review in the Public Reference Room, Room 2A, of the Commission's offices at 888 First Street, N.E., Washington, D.C. 20426. The EA may also be viewed on the web at http://www.ferc.fed.us/online/rims.htm (please call (202) 208–2222 for assistance).

Linwood A. Watson, Jr.,

Acting Secretary.

[FR Doc. 99–4229 Filed 2–19–99; 8:45 am]

BILLING CODE 6717–01–M

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket No. MT99–6–000]

Mid Louisiana Gas Company; Notice of Proposed Changes in FERC Gas Tariff

February 16, 1999.

Take notice that on February 10, 1999, Mid Louisiana Gas Company (Mid Louisiana) tendered for filing as part of its FERC Gas Tariff, Third Revised Volume No. 1, the following tariff sheets, with an effective date of March 11, 1999:

Fifth Revised Sheet No. 130
Eighth Revised Sheet No. 131

Mid Louisiana states that the primary purpose of the filing of the Revised Tariff Sheets(s) is to update its tariff to reflect recent changes in shared personnel and facilities.

Pursuant to Section 154.7(a)(7) of the Commission's Regulations, Mid Louisiana respectfully requests waiver of any requirement of the Regulations in order to permit the tendered tariff sheet to become effective March 11, 1999, as submitted.

Any person desiring to be heard or to protest said filing should file a motion to intervene or a protest with the Federal Energy Regulatory Commission, 888 First Street, NE, Washington, DC 20426, in accordance with Sections 385.214 or 385.211 of the Commission's Rules and Regulations. All such motions or protests must be filed in accordance with Section 154.210 of the Commission's Regulations. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceedings. Any person wishing to become a party must file a motion to intervene. Copies of this filing are on file with the Commission and are available for public inspection in the Public Reference Room. This filing may be viewed on the web at http://www.ferc.fed.us/online/rims.htm (call 202–208–2222 for assistance).

Linwood A. Watson, Jr.,

Acting Secretary.

[FR Doc. 99–4228 Filed 2–19–99; 8:45 am]

BILLING CODE 6717–01–M

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket No. RP99–224–000]

Mid Louisiana Gas Company; Notice of Proposed Changes in FERC Gas Tariff

February 16, 1999.

Take notice that on February 10, 1999, Mid Louisiana Gas Company (Mid Louisiana) tendered for filing as part of its FERC Gas Tariff, Third Revised Volume No. 1, the following tariff sheets, with an effective date of March 11, 1999:

Second Revised Sheet No. 175
First Revised Sheet No. 176
First Revised Sheet No. 177

Mid Louisiana states that the primary purpose of the filing of the Revised Tariff Sheet(s) is to update its tariff to remove outdated references to Transition Cost Recovery Procedures and Mitigation which were required during Mid Louisiana's restructuring under Order 636.

Pursuant to Section 154.7(a)(7) of the Commission's Regulations, Mid Louisiana respectfully requests waiver of any requirement of the Regulations in order to permit the tendered tariff sheet(s) to become effective March 11, 1999, as submitted.

Any person desiring to be heard or to protest said filing should file a motion to intervene or a protest with the Federal Energy Regulatory Commission, 888 First Street, N.E., Washington, D.C. 20426, in accordance with Sections 385.214 or 385.211 of the Commission's Rules and Regulations. All such motions or protests must be filed in accordance with Section 154.210 of the Commission's Regulations. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceedings. Any person wishing to become a party must file a motion to intervene. Copies of this filing are on file with the Commission and are available for public inspection in the Public Reference Room. This filing may be viewed on the web at http://www.ferc.fed.us/online/rims.htm (call 202–208–2222 for assistance).

Linwood A. Watson, Jr.,

Acting Secretary.

[FR Doc. 99–4231 Filed 2–19–99; 8:45 am]

BILLING CODE 6717–01–M

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket No. CP99–198–000]

Midwestern Gas Transmission Company; Notice of Request Under Blanket Authorization

February 16, 1999.

Take notice that on February 8, 1999, Midwestern Gas Transmission Company (Midwestern), P.O. Box 2511, Houston, Texas 77252–2511, filed in Docket No. CP99–198–000, a request pursuant to §§ 157.205 and 157.212 of the Commission's Regulations under the Natural Gas Act (18 CFR 157.205 and 157.212) for authorization to install and operate a new delivery tap to provide service for Indiana Gas Company (Indiana), a local distribution company, in Vigo County, Indiana, under Midwestern's blanket certificate issued in Docket No. CP82–414–000, pursuant to Section 7(c) of the Natural Gas Act, all as more fully set forth in the request which is on file with the Commission and open to public inspection. The application may be viewed on the web at www.ferc.fed.us. Call (202) 208–2222 for assistance.

Specifically, Midwestern proposes to install an 8-inch single hot tap, check valve, approximately 50 feet of 8-inch diameter interconnecting pipe, and electronic gas measurement equipment. Midwestern proposes to install the facilities on its existing pipeline, located near Milepost 2114–1+0.78 in Vigo County to satisfy Indiana's request for natural gas service. Midwestern states that the volumes proposed to be delivered to Indiana will be pursuant to Midwestern's blanket transportation certificate in Docket No. CP90–174–000 and the service will be under its Rate Schedules FT–A or IT. Midwestern says that Indiana estimates its peak day requirements will be 60,000 Mcf per day with an average day being 5,000 Mcf per day.

Midwestern reports that the estimated cost of installing this project will be $93,200, which will be reimbursed fully by Indiana. Midwestern indicates that it can render the proposed service without detriment to its other existing customers, and that its tariff does not prohibit the proposed installation of these facilities.

Any person or the Commission's staff may, within 45 days after issuance of the instant notice by the Commission, file with the Federal Energy Regulatory Commission, 888 First Street, N.E., Washington, D.C. 20426, pursuant to Rule 214 of the Commission's Procedural Rules (18 CFR 385.214) a motion to intervene or notice of intervention and pursuant to § 157.205 of the Regulations under the Natural Gas Act (18 CFR 157.205) a protest to the request. If no protest is filed within the time allowed therefor, the proposed activity shall be deemed to be authorized effective the day after the time allowed for filing a protest. If a protest is filed and not withdrawn within 30 days after the time allowed for filing a protest, the instant request shall be treated as an application for authorization pursuant to Section 7 of the Natural Gas Act.

Linwood A. Watson, Jr.,

Acting Secretary.

[FR Doc. 99–4227 Filed 2–19–99; 8:45 am]

BILLING CODE 6717–01–M

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket No. CP93–618–010]

PG&E Gas Transmission, Northwest Corporation; Notice of Annual Report

February 16, 1999.

Take notice that on January 29, 1999, PG&E Gas Transmission, Northwest Corporation (PG&E GT–NW) tendered for filing its ''Annual Report on Deferred Revenue Recovery Mechanism and Revenue Reconciliation for the Year Ending October 31, 1998'' for its Medford, Oregon Extension FTS–1 (E–2).

PG&E GT–NW asserts that the purpose of this filing is to comply with the Commission's Order of January 12, 1995 in Docket Nos. CP93–618, *et al.* That Order requires PG&E GT–NW to file an annual report concerning its deferred revenue recovery mechanism and detailing the cost of service for PG&E GT–NW's Medford Extension and the status of its deferred revenue recovery mechanism.

PG&E GT–NW further states that a copy of this filing has been served on PG&E GT–NW jurisdictional customers and interested state regulatory agencies, as well as the Official Service list compiled by the Secretary in this proceeding.

Any person desiring to protest said filing should file a protest with the Federal Energy Regulatory Commission, 888 First Street, N.E., Washington, D.C. 20426, in accordance with Section 385.211 of the Commission's Rules and Regulations. All such protests must be filed on or before February 23, 1999. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceedings. Copies of this filing are on file with the Commission and are available for public inspection in the Public Reference Room. This filing may be viewed on the web at htt://www.ferc.fed.us/online/rims.htm (call 202–208–2222 for assistance).

Linwood A. Watson, Jr.,

Acting Secretary.

[FR Doc. 99–4225 Filed 2–19–99; 8:45 am]

BILLING CODE 6717–01–M

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket No. CP99–195–000]

Texas Eastern Transmission Corporation; Notice of Application

February 16, 1999.

Take notice that on February 5, 1999, Texas Eastern Transmission Corporation (Texas Eastern), 5400 Westheimer Court, Houston, Texas 77056–5310, filed in Docket No. CP99–195–000 an application pursuant to Sections 7(b) and 7(c) of the Natural Gas Act for a certificate of public convenience and necessity authorizing it to construct, own, operate, maintain and abandon certain facilities located in Harrison County, Texas, all as more fully set forth in the application which is on file with the Commission and open to public inspection. The application may be viewed on the web at www.ferc.fed.us. Call (202) 208–2222 for assistance.

Texas Eastern requests authorization to replace a total of approximately 2,200 feet of 24-inch pipeline, abandon the existing pipeline being replaced, acquire new permanent right of way, and to utilize temporary work space during the construction of such facilities. Texas Eastern states that the proposed project (Longview Project) is necessary to upgrade the pipeline segment being replaced from a Class 1 facility to a Class 3 facility to comply with U.S. Department of Transportation safety standards.

Texas Eastern states that the replacement pipeline segment will be a 24-inch diameter pipe, and will therefore have a design delivery capacity equivalent to the facilities being replaced. Texas Eastern states the replacement will not change Texas Eastern system's maximum daily design capacity.

Texas Eastern estimates the total capital cost of the proposed facilities to be approximately $1,578,000.

Any person desiring to participate in the hearing process or to make any protest with reference to said application should on or before March 9, 1999, 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 protest filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. The Commission's rules require that protestors provide copies of their protests to the party or parties directly involved. Any person wishing to become a party 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 intervener 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 by Section 7 and 15 of the Natural Gas Act and the Commission's Rules of Practice and Procedure, a hearing will be held without further notice before the Commission or its designee on this application if no motion to intervene is filed within the time required herein, if the Commission on its own review of the matter finds that 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 Texas Eastern to appear or be represented at the hearing.

Linwood A. Watson, Jr.,

Acting Secretary.

[FR Doc. 99–4226 Filed 2–19–99; 8:45 am]

BILLING CODE 6717–01–M

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket No. ER99–1752–000]

Wisconsin Public Service Corporation; Notice of Filing

February 12, 1999.

Take notice that on February 8, 1999, the above-referenced public utility filed its quarterly transaction report for the quarter ending December 31, 1998.

Any person desiring to be heard or to protest such filing should file a motion to intervene or protest with the Federal Energy Regulatory Commission, 888 First Street, N.E., Washington, D.C. 20426, in accordance with Rules 211 and 214 of the Commission's Rules of Practice and Procedure (18 CFR 385.211 and 385.214). All such motions and protests should be filed on or before March 1, 1999. Protests will be considered by the Commission to determine the appropriate action to be taken, but will not serve to make protestants parties to the proceedings. Any person wishing to become a party must file a motion to intervene. Copies of this filing are on file with the Commission and are available for public inspection or on the internet at http://www.ferc.fed.us/online/rims.htm (call 202–208–2222 for assistance).

Linwood A. Watson, Jr.,

Acting Secretary.

[FR Doc. 99–4224 Filed 2–19–99; 8:45 am]

BILLING CODE 6717–01–M

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

Notice of Application Filed With the Commission and Soliciting Comments and Recommendations, Motions to Intervene, and Protests

February 16, 1999.

Take notice that the following hydroelectric application has been filed with the Commission and is available for public inspection.

a. *Application Type:* Non-Project Use of Project Lands.

b. *Project No.:* 2183–023.

c. *Date Filed:* January 14, 1999.

d. *Applicant:* Grand River Dam Authority.

e. *Name of Project:* Markham Ferry Project.

f. *Location:* The hydroelectric project is on the Grand (Neosho) River in Mayes County, Oklahoma.

g. *Filed Pursuant to:* Federal Power Act, 18 CFR § 4.200.

h. *Applicant Contact:* Ms. Mary E. Von Drehle, Assistant General Council, Grand River Dam Authority, P.O. Box 409, Vinita, OK 74301.

i. *FERC Contact:* Any questions on this notice should be addressed to Steve Hocking, E-mail address steve.hocking@ferc.fed.us, or telephone (202) 219–2656.

j. *Deadline for filing comments and recommendations, motions to intervene, and protests:* March 22, 1999.

All documents (original and eight copies) should be filed with: David P. Boergers, Secretary, Federal Energy Regulatory Commission, 888 First Street, NE, Washington, DC 20426.

The Commission's Rules of Practice and Procedure require all intervenors filing documents with the Commission to serve a copy of that document on each person whose name appears on the official service list for the project. Further, if an intervenor files comments or documents with the Commission relating to the merits of an issue that may affect the responsibilities of a particular resource agency, they must also serve a copy of the document on that resource agency.

k. *Description of the Application:* Grand River Dam Authority (licensee) proposes to grant a permit to Mike Sisemore (applicant) to dredge about 102,000 cubic yards of sediment from project and private lands. The applicant would dredge an area about 150 feet wide by 900 feet long by 8 feet deep to extend an existing cove and create new waterfront property for later development. The dredging would take place on Lake Hudson in SW/4 of Section 16, Township 23 North, Range 21 East, Delaware County.

l. *This notice also consists of the following standard paragraphs:* B, C1, and D2.

B. Comments, Protests, or Motions to Intervene—Anyone may submit comments, a protest, or a motion to intervene in accordance with the requirements of Rules of Practice and Procedure, 18 CFR 385.210, .211, .214. In determining the appropriate action to take, the Commission will consider all protests or other comments filed, but only those who file a motion to intervene in accordance with the Commission's Rules may become a party to the proceeding. Any comments, protests, or motions to intervene must be received on or before the specified comment date for the particular application.

C1. Filing and Service of Responsive Documents—Any filings must bear in all capital letters the title ''COMMENTS'', ''RECOMMENDATIONS FOR TERMS AND CONDITIONS'', ''PROTEST'', OR ''MOTION TO INTERVENE'', as applicable, and the Project Number of the particular application to which the filing refers. Any of the above-named documents must be filed by providing the original and the number of copies provided by the Commission's regulations to: The Secretary, Federal Energy Regulatory Commission, 888 First Street, N.E., Washington, D.C. 20426. A copy of any motion to intervene must also be served upon each representative of the Applicant specified in the particular application.

D2. Agency Comments—Federal, state, and local agencies are invited to file comments on the described application. A copy of the application may be obtained by agencies directly from the Applicant. If an agency does not file comments within the time specified for filing comments, it will be presumed to have no comments. One copy of an agency's comments must also be sent to the Applicant's representatives.

This filing may be viewed on the web at http://www.ferc.fed.us./online/rims.htm (please call (202) 208–2222 for assistance).

Linwood A. Watson, Jr.,

Acting Secretary.

[FR Doc. 99–4230 Filed 2–19–99; 8:45 am]

BILLING CODE 6717–01–M

FEDERAL COMMUNICATIONS COMMISSION

Notice of Public Information Collection(s) Being Reviewed by the Federal Communications Commission for Extension Under Delegated Authority 5 CFR 1320 Authority

February 9, 1999.

SUMMARY: The Federal Communications Commission, as part of its continuing effort to reduce paperwork burden invites the general public and other Federal agencies to take this opportunity to comment on the following information collection(s), as required by the Paperwork Reduction Act of 1995, 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 23, 1999.

If you anticipate that you will be submitting comments, but find it difficult to do so within the period of time allowed by this notice, you should advise the contact listed below as soon as possible.

ADDRESSES: Direct all comments to Les Smith, Federal Communications, Room 1-A804, 445 Twelfth St., S.W., Washington, DC 20554 or via the Internet to lesmith@fcc.gov.

FOR FURTHER INFORMATION CONTACT: For additional information or copies of the information collections contact Les Smith at (202) 418–0217 or via the Internet at lesmith@fcc.gov.

SUPPLEMENTARY INFORMATION:

OMB Control Number: 3060–0223.

Title: 90.129(b) Supplemental information routinely submitted with application, non-type accepted equipment.

Form Number: N/A.

Type of Review: Extension of a currently approved collection.

Respondents: Business or other for-profit entities.

Number of Respondents: 100.

Estimated Time Per Response: 0.5 hour.

Frequency of Response: On occasion reporting requirements.

Total Annual Burden: 50 hours.

Total Annual Costs: No annual cost burden on respondents from either capital or start-up costs.

Needs and Uses: The rule requires applicants using non-type accepted equipment to provide a description of the equipment. The information is used to evaluate the interference potential of the proposed operation.

OMB Control Number: 3060–0290.

Title: Section 90.517, Report of Operation.

Form Number: N/A.

Type of Review: Extension of existing collection

Respondents: Business or other for-profit entities.

Number of Respondents: 100.

Estimated Time Per Response: 2 hours.

Frequency of Response: On occasion reporting requirements.

Total Annual Burden: 200 hours

Total Annual Costs: None.

Needs and Uses: The rule requires developmental authorization licensees to file a report indicating the usefulness of such developmental operation when requesting renewal or termination of developmental operations.

OMB Control Number: 3060–0434.

Title: Section 90.19, Stolen Vehicle Recovery System Requirements.

Form Number: N/A.

Type of Review: Extension of a currently approved collection.

Respondents: Business or other for-profit entities.

Number of Respondents: 20.

Estimated Time Per Response: 4 hours.

Frequency of Response: On occasion reporting requirements.

Total Annual Burden: 80 hours.

Total Annual Cost: None.

Needs and Uses: The rule requires applicants for stolen vehicle recovery systems to perform an analysis for each base station to ensure that the system does not cause interference to TV Channel 7.

OMB Approval Number: 3060–0537.

Title: Section 13.217, Records.

Form Number: N/A

Type of Review: Extension of a currently approved collection.

Respondents: Business or other for-profit entities.

Number of Respondents: 15.

Estimated Time Per Response: 1 hour.

Frequency of Response: Recordkeeping; On occasion reporting requirements.

Total Annual Burden: 15 hours.

Total Annual Cost: None.

Needs and Uses: The recordkeeping and reporting requirements contained in Section 13.217 are necessary to assure records of expenditures and revenues for administrating commercial operator examinations are available. The records are journal entries showing revenues collected and expenses incurred. The records provide a vehicle for FCC to monitor an examination manager. If the information were not available possible fraud and abuse in the commercial radio examination program could occur.

Federal Communications Commission.

Magalie Roman Salas,

Secretary.

[FR Doc. 99–4252 Filed 2–19–99; 8:45 am]

BILLING CODE 6712–01–P

FEDERAL COMMUNICATIONS COMMISSION

Notice of Public Information Collection(s) Being Reviewed by the Federal Communications Commission

February 10, 1999.

SUMMARY: The Federal Communications Commission, as part of its continuing effort to reduce paperwork burden invites the general public and other Federal agencies to take this opportunity to comment on the following information collection, as required by the Paperwork Reduction Act of 1995, 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 23, 1999. If you anticipate that you will be submitting comments, but find it difficult to do so within the period of time allowed by this notice, you should advise the contact listed below as soon as possible.

ADDRESSES: Direct all comments to Les Smith, Federal Communications Commission, 445 12th Street, S.W., Washington, DC 20554 or via the Internet to lesmith@fcc.gov.

FOR FURTHER INFORMATION CONTACT: For additional information or copies of the information collections contact Les Smith at (202) 418–0217 or via the Internet at lesmith@fcc.gov.

SUPPLEMENTARY INFORMATION:

OMB Control Number: 3060–0867.

Title: Requests for Waiver of Section 20.18(c) of the Commission's Rules Regarding Compatibility with Enhanced 911 Emergency Calling Systems.

Form Number: N/A.

Type of Review: New collection.

Respondents: Business or other for-profit entities.

Number of Respondents: 400.

Estimated Time per Response: 20 hours.

Frequency of Response: One time waiver request; Quarterly follow-up submissions.

Total Annual Burden: 32,000 hours.

Total Annual Costs: None.

Needs and Uses: The various coordination, certification, and consent requirements will ensure licensee compliance with Commission rules and regulations, and ensure that licensees continue to fulfill their statutory responsibilities in accordance with the Communications Act of 1934. The requirements will also help to ensure that individuals who use TTY devices will be able to utilize such devices to

make emergency 911 calls on digital wireless systems.

Federal Communications Commission.

Magalie Roman Salas,

Secretary.

[FR Doc. 99–4253 Filed 2–19–99; 8:45 am]

BILLING CODE 6712–01–P

FEDERAL COMMUNICATIONS COMMISSION

Notice of Public Information Collections Being Reviewed by the Federal Communications Commission

February 11, 1999.

SUMMARY: The Federal Communications Commissions, as part of its continuing effort to reduce paperwork burden invites the general public and other Federal agencies to take this opportunity to comment on the following information collection, as required by the Paperwork Reduction Act of 1995, 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 23, 1999. If you anticipate that you will be submitting comments, but find it difficult to do so within the period of time allowed by this notice, you should advise the contact listed below as soon as possible.

ADDRESSES: Direct all comments to Les Smith, Federal Communications Commission, 445 12th Street, S.W., Washington, DC 20554 or via the Internet to lesmith@fcc.gov.

FOR FURTHER INFORMATION CONTACT: For additional information or copies of the information collections contact Les Smith at (202) 418–0217 or via the Internet at lesmith@fcc.gov.

SUPPLEMENTARY INFORMATION:

OMB Control Number: 3060–0174.

Title: Section 73.1212, Sponsorship identification; list retention; related requirements.

Form Number: N/A.

Type of Review: Extension of currently approved collection.

Respondents: Business or other for-profit entities.

Number of Respondents: 13,956.

Estimated time per response: 4.0 hours (avg.).

Frequency of Response: Recordkeeping; On occasion reporting requirements; Third party disclosure.

Total Annual Burden: 55,832 hours.

Total Annual Costs: None.

Needs and Uses: Section 73.1212 requires a broadcast station to identify the sponsor(s) of any matter for which consideration is provided. For matter advertising commercial products or services, generally the mention of the name of the product or service constitutes sponsorship identification. In addition, when an entity rather than an individual sponsors the broadcast of matter that is of a political or controversial nature, the licensee is required to retain a list of the executive officers, or board of directors, or executive committee, etc., of the organization paying for such matter. Sponsorship announcements are waived with respect to the broadcast of ''want ads'' sponsored by an individual but the licensee shall maintain a list showing the name, address, and telephone number of each such advertiser. These lists shall be made available for public inspection. The data are used by the public so that they may know by whom they are being persuaded.

Federal Communications Commission.

Magalie Roman Salas,

Secretary.

[FR Doc. 99–4255 Filed 2–19–99; 8:45 am]

BILLING CODE 6712–01–P

FEDERAL COMMUNICATIONS COMMISSION

Notice of Public Information Collection(s) Submitted to OMB for Review and Approval

January 25, 1999.

SUMMARY: The Federal Communications Commission, as part of its continuing effort to reduce paperwork burden invites the general public and other Federal agencies to take this opportunity to comment on the following information collection, as required by the Paperwork Reduction Act of 1995, 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 March 24, 1999. If you anticipate that you will be submitting comments, but find it difficult to do so within the period of time allowed by this notice, you should advise the contact listed below as soon as possible.

ADDRESSES: Direct all comments to Les Smith, Federal Communications Commission, 445 12th Street, S.W., Washington, DC 20554 or via the Internet to lesmith@fcc.gov.

FOR FURTHER INFORMATION CONTACT: For additional information or copies of the information collections contact Les Smith at (202) 418–0217 or via the Internet at lesmith@fcc.gov.

SUPPLEMENTARY INFORMATION:

OMB Control Number: 3060–XXXX.

Title: Section 95.833, Construction Requirements.

Form Number: N/A.

Type of Review: New collection.

Respondents: Businesses or other for-profit entities; Individuals or households.

Number of Respondents: 900.

Estimated Time per Response: 1 hour.

Frequency of Response: Recordkeeping; On occasion reporting requirements within 5 and 10 years of license grant; Third party disclosure.

Total Annual Burden: 900 hours.

Total Annual Costs: $0.

Needs and Uses: The requirement contained in Section 95.833 is necessary for 218–219 MHz service system licensees to file a report within five and ten years of license grant to demonstrate that they provide substantial service to its service areas. This collection, which is currently in the rules, has been waived by an Order released on January 14, 1998, (DA 98–59), for all licensees pending resolution of the construction requirement by the current Notice of

Proposed Rulemaking, WT Docket No. 98–169, FCC 98–228. No collection has been made. The NPRM proposes to reduce the regulatory burden on licensees by extending the filing of a report from three years to five years. The information is used by the Commission staff to assess compliance with 218–219 MHz Service construction requirements, and to provide adequate spectrum for the service. This will facilitate spectrum efficiency and competition by the 218–219 MHz Service licensees in the wireless marketplace. Without this information, the FCC would not be able to carry out its statutory responsibilities.

Federal Communications Commission.

Magalie Roman Salas,

Secretary.

[FR Doc. 99–4251 Filed 2–19–99; 8:45 am]

BILLING CODE 6712–01–P

FEDERAL COMMUNICATIONS COMMISSION

Notice of Public Information Collection(s) Submitted to OMB for Review and Approval

February 9, 1999.

SUMMARY: The Federal Communications Commission, as part of its continuing effort to reduce paperwork burden invites the general public and other Federal agencies to take this opportunity to comment on the following information collection, as required by the Paperwork Reduction Act of 1995, 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 March 24, 1999. If you anticipate that you will be submitting comments, but find it difficult to do so within the period of time allowed by this notice, you should advise the contact listed below as soon as possible.

ADDRESSES: Direct all comments to Les Smith, Federal Communications Commissions, 445 12th Street, S.W., Washington, DC 20554 or via the Internet to lesmith@fcc.gov.

FOR FURTHER INFORMATION CONTACT: For additional information or copies of the information collections contact Les Smith at (202) 418–0217 or via the Internet at lesmith@fcc.gov.

SUPPLEMENTARY INFORMATION:

OMB Control Number: 3060–0645.

Title: Part 17, Antenna Registration.

Form Number(s): N/A.

Type of Review: Extension of a currently approved collection.

Respondents: Businesses or other for-profit entities; Not-for-profit institutions; State, Local, or Tribal Government.

Number of Respondents: 25,600.

Estimated Time per Response: 3 hours.

Frequency of Response: Recordkeeping; On occasion reporting requirements; Third party disclosure.

Total Annual Burden: 40,965 hours.

Total Annual Costs: $3,200,000.

Needs and Uses: The requirements contained in Part 17 are necessary to implement a uniform registration process for owners of antenna structures. The information is used by the Commission during investigations related to air safety or radio frequency interference.

Federal Communications Commission.

Magalie Roman Salas,

Secretary.

[FR Doc. 99–4254 Filed 2–19–99; 8:45 am]

BILLING CODE 6712–01–P

FEDERAL EMERGENCY MANAGEMENT AGENCY

[FEMA–1261–DR]

Alabama; Amendment No. 1 to Notice of a Major Disaster Declaration

AGENCY: Federal Emergency Management Agency (FEMA).

ACTION: Notice.

SUMMARY: This notice amends the notice of a major disaster for the State of Alabama, (FEMA–1261–DR), dated January 15, 1999, and related determinations.

EFFECTIVE DATE: February 4, 1999.

FOR FURTHER INFORMATION CONTACT: Madge Dale, Response and Recovery Directorate, Federal Emergency Management Agency, Washington, DC 20472, (202) 646–3260.

SUPPLEMENTARY INFORMATION: The notice of a major disaster for the State of Alabama is hereby amended to include the following areas among those areas determined to have been adversely affected by the catastrophe declared a major disaster by the President in his declaration of January 15, 1999:

Lamar and Winston Counties for the Public Assistance Program.

The following Catalog of Federal Domestic Assistance Numbers (CFDA) are to be used for reporting and drawing funds: 83.537, Community Disaster Loans; 83.538, Cora Brown Fund Program; 83.539, Crisis Counseling; 83.540, Disaster Legal Services Program; 83.541, Disaster Unemployment Assistance (DUA); 83.542, Fire Suppression Assistance; 83.543, Individual and Family Grant (IFG) Program; 83.544, Public Assistance Grants; 83.545, Disaster Housing Program; 83.548, Hazard Mitigation Grant Program.

Robert J. Adamcik,

Deputy Associate Director, Response and Recovery Directorate.

[FR Doc. 99–4267 Filed 2–19–99; 8:45 am]

BILLING CODE 6718–02–P

FEDERAL EMERGENCY MANAGEMENT AGENCY

[FEMA–1266–DR]

Arkansas; Amendment No. 6 to Notice of a Major Disaster Declaration

AGENCY: Federal Emergency Management Agency (FEMA).

ACTION: Notice.

SUMMARY: This notice amends the notice of a major disaster for the State of Arkansas (FEMA–1266–DR), dated January 23, 1999, and related determinations.

EFFECTIVE DATE: February 2, 1999.

FOR FURTHER INFORMATION CONTACT: Madge Dale, Response and Recovery Directorate, Federal Emergency Management Agency, Washington, DC 20472, (202) 646–3260.

SUPPLEMENTARY INFORMATION: The notice of a major disaster for the State of Arkansas, is hereby amended to include flooding.

The following Catalog of Federal Domestic Assistance Numbers (CFDA) are to be used for reporting and drawing funds: 83.537, Community Disaster Loans; 83.538, Cora Brown Fund Program; 83.539, Crisis Counseling; 83.540, Disaster Legal Services Program; 83.541, Disaster Unemployment Assistance (DUA); 83.542, Fire Suppression Assistance; 83.543, Individual and Family Grant (IFG) Program; 83.544, Public Assistance Grants; 83.545, Disaster Housing

Program; 83.548, Hazard Mitigation Grant Program.

James L. Witt,

Director.

[FR Doc. 99–4270 Filed 2–19–99; 8:45 am]

BILLING CODE 6718–02–P

FEDERAL EMERGENCY MANAGEMENT AGENCY

[FEMA–1266–DR]

Arkansas; Amendment No. 7 to Notice of a Major Disaster Declaration

AGENCY: Federal Emergency Management Agency (FEMA).

ACTION: Notice.

SUMMARY: This notice amends the notice of a major disaster for the State of Arkansas, (FEMA–1266–DR), dated January 23, 1999, and related determinations.

EFFECTIVE DATE: February 4, 1999.

FOR FURTHER INFORMATION CONTACT: Madge Dale, Response and Recovery Directorate, Federal Emergency Management Agency, Washington, DC 20472, (202) 646–3260.

SUPPLEMENTARY INFORMATION: The notice of a major disaster for the State of Arkansas is hereby amended to include the following areas among those areas determined to have been adversely affected by the catastrophe declared a major disaster by the President in his declaration of January 23, 1999:

Grant and Lafayette Counties for Individual Assistance.

The following Catalog of Federal Domestic Assistance Numbers (CFDA) are to be used for reporting and drawing funds: 83.537, Community Disaster Loans; 83.538, Cora Brown Fund Program; 83.539, Crisis Counseling; 83.540, Disaster Legal Services Program; 83.541, Disaster Unemployment Assistance (DUA); 83.542, Fire Suppression Assistance; 83.543, Individual and Family Grant (IFG) Program; 83.544, Public Assistance Grants; 83.545, Disaster Housing Program; 83.548, Hazard Mitigation Grant Program

Robert J. Adamcik,

Deputy Associate Director, Response and Recovery Directorate.

[FR Doc. 99–4271 Filed 2–19–99; 8:45 am]

BILLING CODE 6718–02–P

FEDERAL EMERGENCY MANAGEMENT AGENCY

[FEMA–1266–DR]

Arkansas; Amendment No. 8 to Notice of a Major Disaster Declaration

AGENCY: Federal Emergency Management Agency (FEMA).

ACTION: Notice.

SUMMARY: This notice amends the notice of a major disaster for the State of Arkansas (FEMA–1266–DR), dated January 23, 1999, and related determinations.

EFFECTIVE DATE: February 5, 1999.

FOR FURTHER INFORMATION CONTACT: Madge Dale, Response and Recovery Directorate, Federal Emergency Management Agency, Washington, DC 20472, (202) 646–3260.

SUPPLEMENTARY INFORMATION: The notice of a major disaster for the State of Arkansas is hereby amended to include the following areas among those areas determined to have been adversely affected by the catastrophe declared a major disaster by the President in his declaration of January 23, 1999:

St. Francis County for debris removal (Category A) under the Public Assistance program at 100 percent Federal funding for eligible costs (already designated for Individual Assistance and Categories A and B under the Public Assistance program).

(The following Catalog of Federal Domestic Assistance Numbers (CFDA) are to be used for reporting and drawing funds: 83.537, Community Disaster Loans; 83.538, Cora Brown Fund Program; 83.539, Crisis Counseling; 83.540, Disaster Legal Services Program; 83.541, Disaster Unemployment Assistance (DUA); 83.542, Fire Suppression Assistance; 83.543, Individual and Family Grant (IFG) Program; 83.544, Public Assistance Grants; 83.545, Disaster Housing Program; 83.548, Hazard Mitigation Grant Program)

Robert J. Adamcik,

Deputy Associate Director, Response and Recovery Directorate.

[FR Doc. 99–4272 Filed 2–19–99; 8:45 am]

BILLING CODE 6718–02–P

FEDERAL EMERGENCY MANAGEMENT AGENCY

[FEMA–1102–DR]

Idaho; Amendment No. 4 to the Notice of a Major Disaster Declaration

AGENCY: Federal Emergency Management Agency (FEMA).

ACTION: Notice.

SUMMARY: This notice amends the notice of a major disaster for the State of Idaho (FEMA–1102–DR), dated February 11, 1996, and related determinations.

EFFECTIVE DATE: January 29, 1999.

FOR FURTHER INFORMATION CONTACT: Madge Dale, Response and Recovery Directorate, Federal Emergency Management Agency, Washington, DC 20472, (202) 646–3260.

SUPPLEMENTARY INFORMATION: Notice is hereby given that, effective this date and pursuant to the authority vested in the Director of the Federal Emergency Management Agency under Executive Order 12148, I hereby appoint Bryant Harrison of the Federal Emergency Management Agency to act as the Federal Coordinating Officer for this declared disaster.

This action terminates my appointment of Nellie Ann Mills as Federal Coordinating Officer for this disaster.

(The following Catalog of Federal Domestic Assistance Numbers (CFDA) are to be used for reporting and drawing funds: 83.537, Community Disaster Loans; 83.538, Cora Brown Fund Program; 83.539, Crisis Counseling; 83.540, Disaster Legal Services Program; 83.541, Disaster Unemployment Assistance (DUA); 83.542, Fire Suppression Assistance; 83.543, Individual and Family Grant (IFG) Program; 83.544, Public Assistance Grants; 83.545, Disaster Housing Program; 83.548, Hazard Mitigation Grant Program)

James L. Witt,

Director.

[FR Doc. 99–4258 Filed 2–19–99; 8:45 am]

BILLING CODE 6718–02–P

FEDERAL EMERGENCY MANAGEMENT AGENCY

[FEMA–3134–EM]

Illinois; Amendment No. 4 to Notice of an Emergency

AGENCY: Federal Emergency Management Agency (FEMA).

ACTION: Notice.

SUMMARY: This notice amends the notice of an emergency for the State of Illinois, (FEMA–3134–EM), dated January 8, 1999, and related determinations.

EFFECTIVE DATE: February 5, 1999.

FOR FURTHER INFORMATION CONTACT: Madge Dale, Response and Recovery Directorate, Federal Emergency Management Agency, Washington, DC 20472, (202) 646–3260.

SUPPLEMENTARY INFORMATION: The notice of an emergency for the State of Illinois, is hereby amended to include the following areas among those areas determined to have been adversely affected by the catastrophe declared an emergency by the President in his declaration of January 8, 1999:

Macon, Moultrie, and Shelby Counties for reimbursement for emergency protective measures, Category B, under the Public Assistance program for a period of 48 hours.

The following Catalog of Federal Domestic Assistance Numbers (CFDA) are to be used for reporting and drawing funds: 83.537, Community Disaster Loans; 83.538, Cora Brown Fund Program; 83.539, Crisis

Counseling; 83.540, Disaster Legal Services Program; 83.541, Disaster Unemployment Assistance (DUA); 83.542, Fire Suppression Assistance; 83.543, Individual and Family Grant (IFG) Program; 83.544, Public Assistance Grants; 83.545, Disaster Housing Program; 83.548, Hazard Mitigation Grant Program.

Robert J. Adamcik,

Deputy Associate Director, Response and Recovery Directorate.

[FR Doc. 99–4262 Filed 2–19–99; 8:45 am]

BILLING CODE 6718–02–P

FEDERAL EMERGENCY MANAGEMENT AGENCY

[FEMA–3137–EM]

Michigan; Amendment No. 1 to Notice of an Emergency

AGENCY: Federal Emergency Management Agency (FEMA).

ACTION: Notice.

SUMMARY: This notice amends the notice of an emergency for the State of Michigan, (FEMA–3137–EM), dated January 27, 1999, and related determinations.

EFFECTIVE DATE: February 4, 1999.

FOR FURTHER INFORMATION CONTACT: Madge Dale, Response and Recovery Directorate, Federal Emergency Management Agency, Washington, DC 20472, (202) 646–3260.

SUPPLEMENTARY INFORMATION: The notice of an emergency for the State of Michigan, is hereby amended to include the following areas among those areas determined to have been adversely affected by the catastrophe declared an emergency by the President in his declaration of January 27, 1999:

Alcona, Allegan, Arenac, Barry, Berrien, Cass, Crawford, Ionia, Jackson, Kalamazoo, Kent, Lenawee, Macomb, Marquette, Mecosta, Montmorency, Muskegon, Newaygo, Oakland, Oceana, Ogemaw, Osceola, Oscoda, Otsego, Ottawa, St. Joseph, Van Buren, and Washtenaw Counties for reimbursement for emergency protective measures under the Public Assistance program for a period of 48 hours.

The following Catalog of Federal Domestic Assistance Numbers (CFDA) are to be used for reporting and drawing funds: 83.537, Community Disaster Loans; 83.538, Cora Brown Fund Program; 83.539, Crisis Counseling; 83.540, Disaster Legal Services Program; 83.541, Disaster Unemployment Assistance (DUA); 83.542, Fire Suppression Assistance; 83.543, Individual and Family Grant (IFG) Program; 83.544, Public Assistance Grants; 83.545, Disaster Housing Program; 83.548, Hazard Mitigation Grant Program.

Lacy E. Suiter,

Executive Associate Director, Response and Recovery Directorate.

[FR Doc. 99–4263 Filed 2–19–99; 8:45 am]

BILLING CODE 6718–02–P

FEDERAL EMERGENCY MANAGEMENT AGENCY

[FEMA–3137–EM]

Michigan; Amendment No. 2 to Notice of an Emergency

AGENCY: Federal Emergency Management Agency (FEMA).

ACTION: Notice.

SUMMARY: This notice amends the notice of an emergency for the State of Michigan (FEMA–3137–EM), dated January 27, 1999, and related determinations.

EFFECTIVE DATE: January 15, 1999.

FOR FURTHER INFORMATION CONTACT: Madge Dale, Response and Recovery Directorate, Federal Emergency Management Agency, Washington, DC 20472, (202) 646–3260.

SUPPLEMENTARY INFORMATION: Notice is hereby given that the incident period for this emergency is closed effective January 15, 1999.

The following Catalog of Federal Domestic Assistance Numbers (CFDA) are to be used for reporting and drawing funds: 83.537, Community Disaster Loans; 83.538, Cora Brown Fund Program; 83.539, Crisis Counseling; 83.540, Disaster Legal Services Program; 83.541, Disaster Unemployment Assistance (DUA); 83.542, Fire Suppression Assistance; 83.543, Individual and Family Grant (IFG) Program; 83.544, Public Assistance Grants; 83.545, Disaster Housing Program; 83.548, Hazard Mitigation Grant Program.

Lacy E. Suiter,

Executive Associate Director, Response and Recovery Directorate.

[FR Doc. 99–4264 Filed 2–19–99; 8:45 am]

BILLING CODE 6718–02–P

FEDERAL EMERGENCY MANAGEMENT AGENCY

[FEMA–1265–DR]

Mississippi; Amendment No. 1 to Notice of a Major Disaster Declaration

AGENCY: Federal Emergency Management Agency (FEMA).

ACTION: Notice.

SUMMARY: This notice amends the notice of a major disaster for the State of Mississippi, (FEMA–1265–DR), dated January 25, 1999, and related determinations.

EFFECTIVE DATE: February 8, 1999.

FOR FURTHER INFORMATION CONTACT: Madge Dale, Response and Recovery Directorate, Federal Emergency Management Agency, Washington, DC 20472, (202) 646–3260.

SUPPLEMENTARY INFORMATION: The notice of a major disaster for the State of Mississippi hereby amended to include the following area among those areas determined to have been adversely affected by the catastrophe declared a major disaster by the President in his declaration of January 25, 1999:

Lowndes County for the Public Assistance Program.

(The following Catalog of Federal Domestic Assistance Numbers (CFDA) are to be used for reporting and drawing funds: 83.537, Community Disaster Loans; 83.538, Cora Brown Fund Program; 83.539, Crisis Counseling; 83.540, Disaster Legal Services Program; 83.541, Disaster Unemployment Assistance (DUA); 83.542, Fire Suppression Assistance; 83.543, Individual and Family Grant (IFG) Program; 83.544, Public Assistance Grants; 83.545, Disaster Housing Program; 83.548, Hazard Mitigation Grant Program)

Lacy E. Suiter,

Executive Associate Director, Response and Recovery Directorate.

[FR Doc. 99–4269 Filed 2–19–99; 8:45 am]

BILLING CODE 6718–02–P

FEDERAL EMERGENCY MANAGEMENT AGENCY

[FEMA–1262–DR]

Tennessee; Amendment No. 5 to Notice of a Major Disaster Declaration

AGENCY: Federal Emergency Management Agency (FEMA).

ACTION: Notice.

SUMMARY: This notice amends the notice of a major disaster for the State of Tennessee, (FEMA–1262–DR), dated January 19, 1999, and related determinations.

EFFECTIVE DATE: February 8, 1999.

FOR FURTHER INFORMATION CONTACT: Madge Dale, Response and Recovery Directorate, Federal Emergency Management Agency, Washington, DC 20472, (202) 646–3260.

SUPPLEMENTARY INFORMATION: The notice of a major disaster for the State of Tennessee, is hereby amended to include the following areas among the areas determined to have been adversely affected by the catastrophe declared a major disaster by the President in his declaration of January 19, 1999:

Giles County for Individual Assistance (already designated for Public Assistance).

Warren County for Public Assistance.

The following Catalog of Federal Domestic Assistance Numbers (CFDA) are to be used for reporting and drawing funds: 83.537, Community Disaster Loans; 83.538, Cora Brown Fund Program; 83.539, Crisis Counseling; 83.540, Disaster Legal Services Program; 83.541, Disaster Unemployment Assistance (DUA); 83.542, Fire Suppression Assistance; 83.543, Individual and Family Grant (IFG) Program; 83.544, Public Assistance Grants; 83.545, Disaster Housing Program; 83.548, Hazard Mitigation Grant Program.

Lacy E. Suiter,

Executive Associate Director, Response and Recovery Directorate.

[FR Doc. 99–4268 Filed 2–19–99; 8:45 am]

BILLING CODE 6718–02–P

FEDERAL EMERGENCY MANAGEMENT AGENCY

[FEMA–1159–DR]

Washington; Amendment No. 8 to the Notice of a Major Disaster Declaration

AGENCY: Federal Emergency Management Agency (FEMA).

ACTION: Notice.

SUMMARY: This notice amends the notice of a major disaster for the State of Washington (FEMA–1159–DR), dated January 17, 1997, and related determinations.

EFFECTIVE DATE: January 29, 1999.

FOR FURTHER INFORMATION CONTACT: Madge Dale, Response and Recovery Directorate, Federal Emergency Management Agency, Washington, DC 20472, (202) 646–3260.

SUPPLEMENTARY INFORMATION: Notice is hereby given that, effective this date and pursuant to the authority vested in the Director of the Federal Emergency Management Agency under Executive Order 12148, I hereby appoint Bryant Harrison of the Federal Emergency Management Agency to act as the Federal Coordinating Officer for this declared disaster.

This action terminates my appointment of Nellie Ann Mills as Federal Coordinating Officer for this disaster.

(The following Catalog of Federal Domestic Assistance Numbers (CFDA) are to be used for reporting and drawing funds: 83.537, Community Disaster Loans; 83.538, Cora Brown Fund Program; 83.539, Crisis Counseling; 83.540, Disaster Legal Services Program; 83.541, Disaster Unemployment Assistance (DUA); 83.542, Fire Suppression Assistance; 83.543, Individual and Family Grant (IFG) Program; 83.544, Public Assistance Grants; 83.545, Disaster Housing Program; 83.548, Hazard Mitigation Grant Program)

James L. Witt,

Director.

[FR Doc. 99–4259 Filed 2–19–99; 8:45 am]

BILLING CODE 6718–02–P

FEDERAL EMERGENCY MANAGEMENT AGENCY

[FEMA–1172–DR]

Washington; Amendment No. 3 to the Notice of a Major Disaster Declaration

AGENCY: Federal Emergency Management Agency (FEMA).

ACTION: Notice.

SUMMARY: This notice amends the notice of a major disaster for the State of Washington (FEMA–1172–DR), dated April 2, 1997, and related determinations.

EFFECTIVE DATE: January 29, 1999.

FOR FURTHER INFORMATION CONTACT: Madge Dale, Response and Recovery Directorate, Federal Emergency Management Agency, Washington, DC 20472, (202) 646–3260.

SUPPLEMENTARY INFORMATION: Notice is hereby given that, effective this date and pursuant to the authority vested in the Director of the Federal Emergency Management Agency under Executive Order 12148, I hereby appoint Bryant Harrison of the Federal Emergency Management Agency to act as the Federal Coordinating Officer for this declared disaster.

This action terminates my appointment of Nellie Ann Mills as Federal Coordinating Officer for this disaster.

(The following Catalog of Federal Domestic Assistance Numbers (CFDA) are to be used for reporting and drawing funds: 83.537, Community Disaster Loans; 83.538, Cora Brown Fund Program; 83.539, Crisis Counseling; 83.540, Disaster Legal Services Program; 83.541, Disaster Unemployment Assistance (DUA); 83.542, Fire Suppression Assistance; 83.543, Individual and Family Grant (IFG) Program; 83.544, Public Assistance Grants; 83.545, Disaster Housing Program; 83.548, Hazard Mitigation Grant Program)

James L. Witt,

Director.

[FR Doc. 99–4260 Filed 2–19–99; 8:45 am]

BILLING CODE 6718–02–P

FEDERAL EMERGENCY MANAGEMENT AGENCY

[FEMA–1182–DR]

Washington; Amendment No. 3 to the Notice of a Major Disaster Declaration

AGENCY: Federal Emergency Management Agency (FEMA).

ACTION: Notice.

SUMMARY: This notice amends the notice of a major disaster for the State of Washington (FEMA–1192-DR), dated July 21, 1997, and related determinations.

EFFECTIVE DATE: January 29, 1999.

FOR FURTHER INFORMATION CONTACT: Madge Dale, Response and Recovery Directorate, Federal Emergency Management Agency, Washington, DC 20472, (202) 646–3260.

SUPPLEMENTARY INFORMATION: Notice is hereby given that, effective this date and pursuant to the authority vested in the Director of the Federal Emergency Management Agency under Executive Order 12148, I hereby appoint Bryant Harrison of the Federal Emergency Management Agency to act as the Federal Coordinating Officer for this declared disaster.

This action terminates my appointment of Nellie Ann Mills as Federal Coordinating Officer for this disaster.

The following Catalog of Federal Domestic Assistance Numbers (CFDA) are to be used for reporting and drawing funds: 83.537, Community Disaster Loans; 83.538, Cora Brown Fund Program; 83.539, Crisis Counseling; 83.540, Disaster Legal Services Program; 83.541, Disaster Unemployment Assistance (DUA); 83.542, Fire Suppression Assistance; 83.543, Individual and Family Grant (IFG) Program; 83.544, Public Assistance Grants; 83.545, Disaster Housing Program; 83.548, Hazard Mitigation Grant Program.

James L. Witt,

Director.

[FR Doc. 99–4261 Filed 2–19–99; 8:45 am]

BILLING CODE 6718–02–P

FEDERAL EMERGENCY MANAGEMENT AGENCY

[FEMA–1255–DR]

Washington; Amendment No. 2 to the Notice of a Major Disaster Declaration

AGENCY: Federal Emergency Management Agency (FEMA).

ACTION: Notice.

SUMMARY: This notice amends the notice of a major disaster for the State of Washington (FEMA–1255-DR), dated

October 16, 1998, and related determinations.

EFFECTIVE DATE: January 29, 1999.

FOR FURTHER INFORMATION CONTACT: Madge Dale, Response and Recovery Directorate, Federal Emergency Management Agency, Washington, DC 20472, (202) 646–3260.

SUPPLEMENTARY INFORMATION: Notice is hereby given that, effective this date and pursuant to the authority vested in the Director of the Federal Emergency Management Agency under Executive Order 12148, I hereby appoint Bryant Harrison of the Federal Emergency Management Agency to act as the Federal Coordinating Officer for this declared disaster.

This action terminates my appointment of Nellie Ann Mills as Federal Coordinating Officer for this disaster.

The following Catalog of Federal Domestic Assistance Numbers (CFDA) are to be used for reporting and drawing funds: 83.537, Community Disaster Loans; 83.538, Cora Brown Fund Program; 83.539, Crisis Counseling; 83.540, Disaster Legal Services Program; 83.541, Disaster Unemployment Assistance (DUA); 83.542, Fire Suppression Assistance; 83.543, Individual and Family Grant (IFG) Program; 83.544, Public Assistance Grants; 83.545, Disaster Housing Program; 83.548, Hazard Mitigation Grant Program.

James L. Witt,

Director.

[FR Doc. 99–4266 Filed 2–19–99; 8:45 am]

BILLING CODE 6718–02–P

FEDERAL MARITIME COMMISSION

[Docket No. 99–03]

I Chen ''Jenny'' Chiang dba Prestige Forwarding Co. and Hsueh L. ''Frank'' Wu—Possible Violations of Sections 10(a)(1) and 19(d) of the Shipping Act of 1984, and 46 CFR Part 510; Order of Investigation and Hearing

Respondent I Chen ''Jenny'' Chiang is a resident of Cerritos, California. From November 6, 1995 through April 15, 1998, Ms. Chiang was licensed by the Federal Maritime Commission as an ocean freight forwarder doing business as Prestige Forwarding Co. (''Prestige Forwarding''), FMC No. 4038. Jenny Chiang served as qualifying individual in applying for the forwarder license and was the only apparent employee of Prestige Forwarding. Following commencement of an investigation by the Commission regarding the activities of Prestige Forwarding, Ms. Chiang surrendered the freight forwarder license of Prestige Forwarding.

Respondent Hsueh L. ''Frank'' Wu is the husband of Jenny Chiang. Mr. Wu is employed as a sales representative of Hyundai Merchant Marine Co. Ltd. (''Hyundai''), located in Gardena, CA. Jenny Chiang and Frank Wu reside at 13630 Destino Place, Cerritos, CA, which address also served as the offices of Prestige Forwarding throughout the time in question.

Information obtained by the Commission indicates that Prestige Forwarding collected forwarder compensation from Hyundai and other ocean common carriers without providing any forwarding services or furnishing to the carrier the requisite certification entitling Prestige Forwarding to the payment of forwarder compensation thereon. Shipments on which Prestige Forwarding collected forwarder compensation appear to be tied primarily to cargo accounts then being serviced by Frank Wu at Hyundai, as well as to certain non-vessel-operating common carriers (''NVOCCs'') transporting cargo on the vessels of Hyundai and others. It further appears that Frank Wu offered to return to certain NVOCCs a portion of the freight forwarder compensation received by Prestige Forwarding on those shipments for which Prestige Forwarding was designated as freight forwarder on the respective ocean bills of lading.

Section 19(d) of the Shipping Act of 1984 (''1984 Act''), 46 U.S.C. app. § 1718(d), provides that an ocean freight forwarder may receive compensation only when such forwarder has performed specified services relating to securing the shipment and preparing the documentation thereon, and has furnished written certification to the carrier that it possesses a valid license and performed those services entitling the forwarder to compensation. The Commission's freight forwarder regulations, 46 CFR part 510, iterate the statutory requirements that a forwarder may receive compensation only where it has certified that it has performed the services entitling it to payment. 46 CFR 510.23. Section 10(a)(1) of the 1984 Act, 46 U.S.C. app. § 1709(a)(1), prohibits any person knowingly and willfully, directly or indirectly, by means of false billings, false classification, false weighing, false report of weight, false measurement, or by any other unjust or unfair device or means, to obtain or attempt to obtain ocean transportation for property at less than the rates or charges that would otherwise be applicable. The Commission's freight forwarder regulations carry forward the statutory requirements by prohibiting a licensed forwarder from sharing any portion of its fee or freight forwarder compensation with any shipper or employee thereof. 46 CFR 510.22.

It appears that, beginning no later than January 1997, Prestige Forwarding received compensation as an ocean freight forwarder without performing those services required for the payment of freight forwarder compensation. Under section 19 of the 1984 Act, the provision of forwarding services and good faith certification to the ocean common carrier is a statutory condition precedent to the payment and receipt of freight forwarder compensation. It further appears that Ms. Chiang's husband, Frank Wu, actively participated in establishing and implementing a scheme or device to extract money from ocean common carriers essentially under false pretenses. Since January 1997, compensation apparently was collected by Prestige Forwarding on more than 1500 shipments transported on Hyundai, without performing the services of a freight forwarder and without furnishing the requisite certification that such forwarder then possessed a valid license and had performed services entitling the licensee to the receipt of freight forwarder compensation. By so doing, it appears that Frank Wu and Jenny Chiang, individually and acting as Prestige Forwarding, violated section 19(d) of the 1984 Act, and also violated the Commission's forwarder regulations at 46 CFR § 510.23.

In addition, it appears that Prestige Forwarding remitted part of its forwarder compensation to its NVOCC shippers, and that checks were issued by Prestige Forwarding reflecting such payments. It further appears that Jenny Chiang's husband, Frank Wu, exercised a primary role in initiating and carrying out such arrangement with respect to such NVOCCs, and possibly other shipper accounts of Prestige Forwarding or Hyundai. In remitting or returning to the shippers a portion of the compensation paid to Prestige on their shipments, it appears that Respondents have sought unlawfully to lower the freight charges of the NVOCC-shippers. *See, e.g.* Pacon Express Inc., Luis R. Hallon and Sun Bong—Possible Violations of Sections 10(a)(1) and 19(d)(4) of the Shipping Act of 1984, 28 S.R.R. 352 (I.D., May 5, 1998) (Administratively final June 19, 1998). In doing so, it appears that Frank Wu and Jenny Chiang, individually and acting as Prestige Forwarding, violated section 19(a)(1) of the 1984 Act and also violated the Commission's forwarder regulations at 46 CFR 510.22(a).

Section 11 of the 1984 Act, 46 U.S.C. app. § 1710, sets forth the Commission's

authority to investigate violations of the 1984 Act. Under section 13 of the 1984 Act, 46 U.S.C. app. § 1712, a person is subject to a civil penalty of not more than $25,000 for each violation knowingly and willfully committed, and not more than $5,000 for other violations of the 1984 Act or regulations issued thereunder.[1]

Now therefore, it is ordered, That pursuant to sections 10, 11, 13 and 19 of the 1984 Act, 46 U.S.C. app. §§ 1709, 1710, 1712 and 1718, an investigation is instituted to determine:

(1) Whether Hsueh L. ''Frank'' Wu and I Chen ''Jenny'' Chiang, individually and doing business as Prestige Forwarding Co., violated section 19(d) of the 1984 Act, 46 U.S.C. app. § 1718(d), and the Commission's forwarder regulations at 46 CFR Part 510, by obtaining ocean freight forwarder compensation on shipments for which the Prestige Forwarding did not furnish freight forwarding services nor provide the necessary certification to the carrier entitling the forwarder to receive such compensation;

(2) Whether Frank Wu and Jenny Chiang, individually and doing business as Prestige Forwarding Co., violated section 10(a)(1) of the 1984 Act, 46 U.S.C. app. § 1709(a)(1), and the Commission's forwarder regulations at 46 CFR Part 510, by allowing shippers to obtain transportation for property at less than the rates or charges otherwise applicable by unjust or unfair device or means of rebating or remitting to such shippers a portion of the forwarder compensation earned on their respective shipments;

(3) Whether, in the event violations of sections 10(a)(1) and 19(d) of the 1984 Act and 46 CFR Part 510 are found, civil penalties should be assessed against Frank Wu and Jenny Chiang and, if so, the amount of penalties to be assessed;

(4) Whether, in the event violations of sections 10(a)(1) and 19(d) of the 1984 Act and 46 CFR Part 510 are found, an appropriate cease and desist order should be issued.

It is further ordered, That a public hearing be held in this proceeding and that this matter be assigned for hearing before an Administrative Law Judge of the Commission's Office of Administrative Law Judges at a date and place to be hereafter determined by the Administrative Law Judge in compliance with Rule 61 of the Commission's Rules of Practice and Procedure, 46 CFR § 502.61. The hearing shall include oral testimony and cross-examination in the discretion of the Presiding Administrative Law Judge only after consideration has been given by the parties and the Presiding Administrative Law Judge to the use of alternative forms of dispute resolution, and upon a proper showing that there are genuine issues of material fact that cannot be resolved on the basis of sworn statements, affidavits, depositions, or other documents or that the nature of the matters in issue is such that an oral hearing and cross-examination are necessary for the development of an adequate record;

It is further ordered, That Hsueh L. ''Frank'' Wu and I Chen ''Jenny'' Chiang are designated Respondents in this proceeding;

It is further ordered, That the Commission's Bureau of Enforcement is designated a party to this proceeding;

It is further ordered, That notice of this Order be published in the Federal Register, and a copy be served on parties of record;

It is further ordered, That other persons having an interest in participating in this proceeding may file petitions for leave to intervene in accordance with Rule 72 of the Commission's Rules of Practice and Procedure, 46 CFR 502.72;

It is further ordered, That all further notices, orders, and/or decisions issued by or on behalf of the Commission in this proceeding, including notice of the time and place of hearing or prehearing conference, shall be served on parties of record;

It is further ordered, That all documents submitted by any party of record in this proceeding shall be directed to the Secretary, Federal Maritime Commission, Washington, D.C. 20573, in accordance with Rule 118 of the Commission's Rules of Practice and Procedure, 46 CFR 502.118, and shall be served on parties of record; and

It is further ordered, That in accordance with Rule 61 of the Commission's Rules of Practice and Procedure, the initial decision of the Administrative Law Judge shall be issued by February 16, 2000, and the final decision of the Commission shall be issued by June 15, 2000.

Bryant L. VanBrakle,

Secretary.

[FR Doc. 99–4234 Filed 2–19–99; 8:45 am]

BILLING CODE 6730–01–M

[1] These penalties are increased 10 percent for any violations occurring after November 7, 1996. *See Inflation Adjustment of Civil Penalties*, 61 Fed. Reg. 52704 (October 8, 1996).

FEDERAL MARITIME COMMISSION

[Docket No. 99–02]

Pacific Champion Express Co., Ltd.—Possible Violations of Section 10(b)(1) of the Shipping Act of 1984; Order of Investigation and Hearing

Pacific Champion Express Co., Ltd. (''Pacific Champion''), also doing business as PCS Line, as a tariffed and bonded non-vessel-operating common carrier (''NVOCC'') located at 5th Floor, No. 7, Section 2 Nan King East Road, Taipei, Taiwan. Pacific Champion holds itself out as an NVOCC pursuant to its ATFI tariff FMC No. 011283–002, effective July 29, 1993. Pacific Champion currently maintains an NVOCC bond, No. 8941012, in the amount of $50,000 with the Washington International Insurance Company, located in Schaumburg, Illinois.

Pacific Champion was established in 1981 by Roger Tsai who is also Managing Director of the company and owns 63% of the company stock. Pacific Champion is a private, limited stock company, registered in Taiwan on July 16, 1981 under business registration number 12340449. Other principals in the company include Frances Huan, Manager, and Michael Lin, Administrative Manager.

Section 10(b)(1), 46 U.S.C. app. 1709(b)(1), prohibits a common carrier from charging, collecting or receiving greater, less or different compensation for the transportation of property than the rates and charges set forth in its tariff. It appears that Pacific Champion did not charge the rates set forth in its tariff on at least thirty-six (36) shipments for the time period September 30, 1997 to February 10, 1998. For these same shipments, Pacific Champion also failed to charge a $45 documentation fee required per its tariff rules. Furthermore, for nine of the 36 shipments, Pacific Champion failed to charge the minimum bill of lading charge per its tariff rules.

It also appears that Pacific Champion continues to provide service as an NVOCC under a tariff which contains only three rates, one each for Cargo NOS, regular service; Cargo NOS, premium service; and Cargo NOS, superior service. Therefore, unless all shipments have been rated at one of these Cargo NOS rates, Pacific Champion may have continued to violate section 10(b)(1) subsequent to February 10, 1998.

Under section 13 of the 1984 Act, 46 U.S.C. app. 1712, a person is subject to a civil penalty of not more than $25,000 for each violation knowingly and willfully committed, and not more than

$5,000 for other violations.[1] Section 13 further provides that a common carrier's tariff may be suspended for violations of section 10(b)(1) for a period not to exceed one year, while section 23 of the 1984 Act, 46 U.S.C. app. 1721 provides for a similar suspension in the case of violations of section 10(a)(1) of the 1984 Act.

Now therefore, it is ordered, That pursuant to sections 10, 11, 13, and 23 of the 1984 Act, 46 U.S.C. app. 1709, 1710, 1712 and 1721, an investigation is instituted to determine:

(1) Whether Pacific Champion Express Co., Ltd., violated, and continues to violate, section 10(b)(1) of the 1984 Act by charging, demanding, collecting or receiving less or different compensation for the transportation of property than the rates and charges shown in its NVOCC tariff;

(2) Whether, in the event violations of section 10(b)(1) of the 1984 Act are found, civil penalties should be assessed against Pacific Champion Express Co., Ltd., and, if so, the amount of penalties to be assessed;

(3) Whether, in the event violations of section 10(b)(1) of the 1984 Act are found, the tariff of Pacific Champion Express Co., Ltd., should be suspended; and

(4) Whether, in the event violations are found, an appropriate cease and desist order should be issued.

It is further ordered, That a public hearing be held in this proceeding and that this matter be assigned for hearing before an Administrative Law Judge of the Commission's Office of Administrative Law Judges in compliance with Rule 61 of the Commission's Rules of Practice and Procedure, 46 CFR 502.61. The hearing shall include oral testimony and cross-examination in the discretion of the Presiding Administrative Law Judge only after consideration has been given by the parties and the Presiding Administrative Law Judge to the use of alternative forms of dispute resolution, and upon a proper showing that there are genuine issues of material fact that cannot be resolved on the basis of sworn statements, affidavits, depositions, or other documents or that the nature of the matters in issue is such that an oral hearing and cross-examination are necessary for the development of an adequate record.

It is further ordered, That Pacific Champion Express Co., Ltd. is designated as Respondent in this proceeding.

It is further ordered, That the Commission's Bureau of Enforcement is designated a party to this proceeding;

It is further ordered, That notice of this Order be published in the **Federal Register,** and a copy be served on parties of record;

It is further ordered, That other persons having an interest in participating in this proceeding may file petitions for leave to intervene in accordance with Rule 72 of the Commission's Rules of Practice and Procedure, 46 CFR 502.72;

It is further ordered, That all further notices, orders and/or decisions issued by or on behalf of the Commission in this proceeding, including notice of the time and place of hearing or prehearing conference, shall be served on all parties of record;

It is further ordered, That all documents submitted by any party of record in this proceeding shall be directed to the Secretary, Federal Maritime Commission, Washington, DC 20573, in accordance with Rule 118 of the Commission's Rules of Practice and Procedure, 46 CFR 502.118, and shall be served on all parties of record; and

It is further ordered, That in accordance with Rule 61 of the Commission's Rules of Practice and Procedure, the initial decision of the Administrative Law Judge shall be issued by February 16, 2000 and the final decision of the Commission shall be issued by June 15, 2000.

By the Commission.

Bryant L. VanBrankle,

Secretary.

[FR Doc. 99–4233 Filed 2–19–99; 8:45 am]

BILLING CODE 6730–01–M

[1] The maximum penalties are raised by 10 percent for violations occurring after November 7, 1996. *See Inflation Adjustment of Civil Monetary Penalties*, 27 S.R.R. 809 (1996).

FEDERAL MARITIME COMMISSION

Sunshine Act Meeting

AGENCY HOLDING THE MEETING: Federal Maritime Commission.

TIME AND DATE: 10:00 a.m.—February 25, 1999.

PLACE: 800 North Capitol Street, N.W., First Floor Hearing Room, Washington, D.C.

STATUS: Open.

MATTER(S) TO BE CONSIDERED: 1. Docket No. 98–30—Service Contracts Subject to the Shipping Act of 1984—Consideration of Comments, 2. Docket No. 98–26—Ocean Common Carrier and Marine Terminal Operator Agreements Subject to the Shipping Act of 1984—Consideration of Comments.

CONTACT PERSON FOR MORE INFORMATION: Bryant L. VanBrakle, Secretary, (202) 523–5725.

Bryant L. VanBrakle,

Secretary.

[FR Doc. 99–4475 Filed 2–18–99; 3:16 pm]

BILLING CODE 6730–01–M

FEDERAL RESERVE SYSTEM

Agency Information Collection Activities: Proposed Collection; Comment Request

AGENCY: Board of Governors of the Federal Reserve System

SUMMARY: *Background*. On June 15, 1984, the Office of Management and Budget (OMB) delegated to the Board of Governors of the Federal Reserve System (Board) its approval authority under the Paperwork Reduction Act, as per 5 CFR 1320.16, to approve of and assign OMB control numbers to collection of information requests and requirements conducted or sponsored by the Board under conditions set forth in 5 CFR 1320 Appendix A.1. Board-approved collections of information are incorporated into the official OMB inventory of currently approved collections of information. Copies of the OMB 83-Is and supporting statements and approved collection of information instruments are placed into OMB's public docket files. The Federal Reserve may not conduct or sponsor, and the respondent is not required to respond to, an information collection that has been extended, revised, or implemented on or after October 1, 1995, unless it displays a currently valid OMB control number.

Request for comment on information collection proposal.

The following information collection, which is being handled under this delegated authority, has received initial Board approval and is hereby published for comment. At the end of the comment period, the proposed information collection, along with an analysis of comments and recommendations received, will be submitted to the Board for final approval under OMB delegated authority. Comments are invited on the following:

a. Whether the proposed collection of information is necessary for the proper performance of the Federal Reserve's functions; including whether the information has practical utility;

b. The accuracy of the Federal Reserve's estimate of the burden of the proposed 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 information collection on respondents, including through the use of automated collection techniques or other forms of information technology.

DATES: Comments must be submitted on or before [insert date 60 days from publication in the Federal Register].

ADDRESSES: Comments, which should refer to the OMB control number or agency form number, should be addressed to Jennifer J. Johnson, Secretary, Board of Governors of the Federal Reserve System, 20th and C Streets, N.W., Washington, DC 20551, or delivered to the Board's mail room between 8:45 a.m. and 5:15 p.m., and to the security control room outside of those hours. Both the mail room and the security control room are accessible from the courtyard entrance on 20th Street between Constitution Avenue and C Street, N.W. Comments received may be inspected in room M-P-500 between 9:00 a.m. and 5:00 p.m., except as provided in section 261.14 of the Board's Rules Regarding Availability of Information, 12 CFR 261.14(a).

A copy of the comments may also be submitted to the OMB desk officer for the Board: Alexander T. 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: A copy of the proposed form and instructions, the Paperwork Reduction Act Submission (OMB 83-I), supporting statement, and other documents that will be placed into OMB's public docket files once approved may be requested from the agency clearance officer, whose name appears below.

Mary M. West, Chief, Financial Reports Section (202-452-3829), Division of Research and Statistics, Board of Governors of the Federal Reserve System, Washington, DC 20551. Telecommunications Device for the Deaf (TDD) users may contact Diane Jenkins (202-452-3544), Board of Governors of the Federal Reserve System, Washington, DC 20551.

Proposal to approve under OMB delegated authority the extension for three years, with revision, of the following report:

Report title: The Ongoing Intermittent Survey of Households

Agency form number: FR 3016

OMB control number: 7100-0150

Frequency: on occasion

Reporters: households and individuals

Annual reporting hours: 405 burden hours

Estimated average hours per response: 4.2 minutes

Number of respondents: 500

Small businesses are not affected.

General description of report: This information collection is voluntary (12 U.S.C. 225a, 263, and 15 U.S.C. 1691b) and is given confidential treatment (5 U.S.C. 552(b)(6)).

Abstract: The Federal Reserve uses this voluntary telephone survey to obtain household-based information specifically tailored to the Federal Reserve's policy, regulatory, and operational responsibilities, and the survey is necessary to provide information on developing events in the financial markets. Intermittently, on request, the University of Michigan's Survey Research Center includes survey questions on behalf of the Federal Reserve in an addendum to their regular monthly Survey of Consumer Attitudes and Expectations. The frequency and content of the questions depends on changing economic, regulatory, legislative, and consumer developments.

Board of Governors of the Federal Reserve System, February 16, 1999.

Jennifer J. Johnson,

Secretary of the Board.

[FR Doc. 99–4211 Filed 2–19–99; 8:45AM]

Billing Code 6210–01–F

FEDERAL RESERVE SYSTEM

Formations of, Acquisitions by, and Mergers of Bank Holding Companies

The companies listed in this notice have applied to the Board for approval, pursuant to the Bank Holding Company Act of 1956 (12 U.S.C. 1841 *et seq.*) (BHC Act), Regulation Y (12 CFR Part 225), and all other applicable statutes and regulations to become a bank holding company and/or to acquire the assets or the ownership of, control of, or the power to vote shares of a bank or bank holding company and all of the banks and nonbanking companies owned by the bank holding company, including the companies listed below.

The applications listed below, as well as other related filings required by the Board, are available for immediate inspection at the Federal Reserve Bank indicated. The application also will be available for inspection at the offices of the Board of Governors. Interested persons may express their views in writing on the standards enumerated in the BHC Act (12 U.S.C. 1842(c)). If the proposal also involves the acquisition of a nonbanking company, the review also includes whether the acquisition of the nonbanking company complies with the standards in section 4 of the BHC Act. Unless otherwise noted, nonbanking activities will be conducted throughout the United States.

Unless otherwise noted, comments regarding each of these applications must be received at the Reserve Bank indicated or the offices of the Board of Governors not later than March 18, 1999.

A. Federal Reserve Bank of Chicago (Philip Jackson, Applications Officer) 230 South LaSalle Street, Chicago, Illinois 60690-1413:

1. Bloomfield Hills Bancorp, Inc., Bloomfield Hills, Michigan; to acquire 100 percent of the voting shares of The Bank of Rochester, Rochester, Michigan, a *de novo* bank.

2. Goodenow Bancorporation, Okoboji, Iowa; to acquire 100 percent of the voting shares of Southwest State Bank, Windom, Minnesota.

3. Midwest Bancorporation, Inc., Okoboji, Iowa; to become a bank holding company by acquiring 100 percent of the voting shares of Southwest State Bank, Windom, Minnesota.

B. Federal Reserve Bank of Kansas City (D. Michael Manies, Assistant Vice President) 925 Grand Avenue, Kansas City, Missouri 64198-0001:

1. Farm and Home Insurance Agency, Inc., Lyons, Nebraska; to acquire 100 percent of the voting shares of Oakland Financial, Inc., Oakland, Nebraska, and thereby indirectly acquire Farmers and Merchants National Bank of Oakland, Oakland, Nebraska.

In connection with this application, Applicant has also applied to acquire Tri-County Insurance, Inc., Oakland, Nebraska, and thereby engage in insurance agency activities in a place of less than 5,000, pursuant to § 225.28(b)(11)(iii)(A) of Regulation Y.

Board of Governors of the Federal Reserve System, February 16, 1999.

Robert deV. Frierson,

Associate Secretary of the Board.

[FR Doc. 99–4212 Filed 2–19–99; 8:45 am]

BILLING CODE 6210–01–F

GENERAL ACCOUNTING OFFICE

System Requirements Checklists

AGENCY: General Accounting Office.

ACTION: Notice of document availability.

SUMMARY: The General Accounting Office (GAO) is issuing the System Requirements for Managerial Cost Accounting Checklist (GAO/AIMD–99–21.2.9). The checklist reflects the system

requirements defined by the Joint Financial Management Improvement Program (JFMIP). This is the fourth in a series of checklists that may be used as tools to help agencies review their financial management systems and assist auditors with their responsibilities under the Federal Financial Management Improvement Act (FFMIA) of 1996. Although this checklist is not required to be used by agencies, this notice indicates that the checklist is available from GAO for immediate use.

DATES: January 19, 1999.

ADDRESSES: Copies of the cost accounting checklist are available by (1) pick-up at Document Distribution, U.S. General Accounting Office, Room 1100, 700 4th Street, NW. (corner of 4th and G Streets, NW.), Washington, DC; (2) mail from U.S. General Accounting Office, P.O. Box 37050, Washington, DC 20013; (3) phone at 202–512–6000 or FAX 202–512–6061 or TDD 202–512–2537; or (4) on GAO's home page (http://www.gao.gov) on the Internet.

FOR FURTHER INFORMATION CONTACT: Robert W. Gramling, 202–512–9406.

SUPPLEMENTARY INFORMATION: The FFMIA requires, among other things, that agencies implement and maintain financial management systems that substantially comply with federal financial management systems requirements. These system requirements are detailed in the Financial Management Systems Requirements series issued by JFMIP and Office of Management and Budget (OMB) Circular A–127, Financial Management Systems.

The JFMIP requirements documents identify: (1) a framework for financial management systems, (2) core financial systems requirements, and (3) 16 other systems that support agency operations. To date, JFMIP has issued the framework and core documents, and 7 of the 16 systems (inventory, seized/forfeited asset, direct loan, guaranteed loan, travel, personnel-payroll, and managerial cost accounting). In addition to the cost accounting checklist, GAO has issued three other checklists (Framework for Federal Financial Management System Checklist (GAO/AIMD–98–21.2.1), Core Financial System Checklist (GAO/AIMD–98–21.2.2), and Inventory System Checklist (GAO/AIMD–98–21.2.4)). GAO plans to issue a checklist for each of the JFMIP systems requirements documents as the existing ones are updated and new ones are issued. This checklist, issued in final, was initially issued as an exposure draft and the comments received were analyzed and considered.

OMB Circular A–127 and OMB's Implementation Guidance for the Federal Financial Management Improvement Act (FFMIA) of 1996, issued September 9, 1997, provide the basis for assessing compliance with the FFMIA requirement of agencies to implement and maintain financial management systems that comply substantially with federal requirements. OMB's guidance provides indicators for chief financial officers and inspectors general to assist them in determining whether the agency's financial management systems substantially comply with federal financial management systems requirements. The annual assurance statement required pursuant to section 4 of the Federal Managers' Financial Integrity Act is one of those indicators. Agencies can use GAO's checklists to help determine annual compliance with section 4 of the Integrity Act.

Gene L. Dodaro,

Assistant Comptroller General, Accounting and Information Management Division.

[FR Doc. 99–4249 Filed 2–19–99; 8:45 am]

BILLING CODE 1610–02–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Centers for Disease Control and Prevention

The Translation Advisory Committee for Diabetes Prevention and Control Programs; Meeting

In accordance with section 10(a)(2) of the Federal Advisory Committee Act (Pub. L. 92–463), the Centers for Disease Control and Prevention (CDC) announces the following committee meeting.

Name: Translation Advisory Committee for Diabetes Prevention and Control Programs.

Times and Dates: 9 a.m.–6 p.m., March 16, 1999; 9 a.m.–1 p.m., March 17, 1999.

Place: Renaissance Atlanta Hotel Downtown, 590 W. Peachtree Street, NW, Atlanta, Georgia 30308, telephone 404/881–6000.

Status: Open to the public, limited only by the space available. The meeting room accommodates approximately 50 people.

Purpose: This committee is charged with advising the Director, CDC, regarding policy issues and broad strategies for diabetes translation activities and control programs designed to reduce risk factors, health services utilization, costs, morbidity, and mortality associated with diabetes and its complications. The Committee identifies research advances and technologies ready for translation into widespread community practice; recommends broad public health strategies to be implemented through public health interventions; identifies opportunities for surveillance and epidemiologic assessment of diabetes and related complications; and for the purpose of assuring the most effective use and organization of resources, maintains liaison and coordination of programs within the Federal, voluntary, and private sectors involved in the provision of services to people with diabetes.

Matters To Be Discussed: Agenda items include the discussion of public health issues pertinent to risk stratification as it applies to diabetes mellitus in the Division of Diabetes Translation priorities.

Agenda items are subject to change as priorities dictate.

Contact Person for More Information: Norma Loner, Committee Management Specialist, Division of Diabetes Translation, National Center for Chronic Disease Prevention and Health Promotion, CDC, 4770 Buford Highway, NE, M/S K–10, Atlanta, Georgia 30341–3717, telephone 770/488–5376.

The Director, Management Analysis and Services Office, has been delegated the authority to sign Federal Register Notices pertaining to announcements of meetings and other committee management activities, for both the Centers for Disease Control and Prevention and the Agency for Toxic Substances and Disease Registry.

Dated: February 12, 1999.

Carolyn J. Russell,

Director, Management Analysis and Services Office, Centers for Disease Control and Prevention (CDC).

[FR Doc. 99–4245 Filed 2–19–99; 8:45 am]

BILLING CODE 4163–18–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Administration for Children and Families

Proposed Information Collection Activity; Comment Request

Proposed Project

Title: Year 2000 Systems Compliance Report to the Department of Health and Human Services.

OMB No.: 0970–0191.

Description: Report the Year 2000 readiness of the State systems that support States' (Child Care, Child Support Enforcement, Child Welfare, and Temporary Assistance for Needy Families) programs CORE functions. For each program, identify the major functions that must be operational for the program to operate successfully; provide the status of the State's effort to make the automated systems, which support the functions Year 2000 ready.

Respondents: State, Local or Tribal Government.

Annual Burden Estimates:

Instrument	Number of respondents	Number of responses per respondent	Average burden hours per response	Total burden hours
Year 2000	54	5	1	270

Estimated Total Annual Burden Hours: 270.

In compliance with the requirements of Section 3506(c)(2)(A) 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, 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: February 17, 1999.

Bob Sargis,

Acting Reports Clearance Officer.

[FR Doc. 99–4291 Filed 2–19–99; 8:45 am]

BILLING CODE 4184–01–M

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Food and Drug Administration

Request for Nominations for Members of Public Advisory Committee; Food Advisory Committee

AGENCY: Food and Drug Administration, HHS.

ACTION: Notice.

SUMMARY: The Food and Drug Administration (FDA) is requesting nominations for members to serve on the Food Advisory Committee (the Committee) in FDA's Center for Food Safety and Applied Nutrition. Nominations will be accepted for current vacancies and vacancies that will or may occur on the Committee during the next 12 months.

FDA has special interest in ensuring that women, minority groups, and the physically handicapped are adequately represented on advisory committees and, therefore, extends particular encouragement to nominations of appropriately qualified female, minority, or physically handicapped candidates. Final selection from among qualified candidates for each vacancy will be determined by the expertise required to meet specific agency needs and in a manner to ensure appropriate balance of membership.

DATES: March 24, 1999.)

ADDRESSES: All nominations for membership, except for consumer-nominated members, should be sent to Catherine M. DeRoever (address below). All nominations for the consumer-nominated members should be sent to Annette J. Funn (address below).

FOR FURTHER INFORMATION CONTACT: Regarding all nominations for membership, except consumer-nominated members: Catherine M. DeRoever, Center for Food Safety and Applied Nutrition (HFS–22), Food and Drug Administration, 200 C St. SW., Washington, DC 20204, 202–205–4251.

Regarding all nominations for consumer-nominated members: Annette J. Funn, Office of Consumer Affairs (HFE–88), Food and Drug Administration, 5600 Fishers Lane, Rockville, MD 20857, 301–827–5006.

SUPPLEMENTARY INFORMATION: FDA is requesting nominations for members to serve on the advisory committee listed below. Individuals should have expertise in the activity of the Committee. Vacancies will occur June 30, 1999.

Food Advisory Committee

The Committee provides advice primarily to the Director, Center for Food Safety and Applied Nutrition, and as needed, to the Commissioner of Food and Drugs, and other appropriate officials, on emerging food safety, food science, and nutrition issues that FDA considers of primary importance. The Committee also provides advice and makes recommendations on ways of communicating to the public the potential risks associated with these issues and recommends approaches to be considered in addressing them.

Criteria for Members

Persons nominated for membership on the Committee shall be knowledgeable in the fields of physical sciences, biological and life sciences, food science, risk assessment and other relevant scientific disciplines. The agency is particularly interested in considering candidates from a variety of medical specialties because many issues brought before the Committee involve medical or epidemiologic impact on nutrients, additives, contaminants, or other constituents of the diet. The term of office is up to 4 years.

The Committee includes technically qualified members who are identified with consumer interests and representatives of industry interests.

Nomination Procedures

Interested persons may nominate one or more qualified persons for membership on the Committee. Nominations shall state that the nominee is willing to serve as a member of the Committee and appears to have no conflict of interest that would preclude Committee membership. Additionally, the nominee's mailing address, telephone number, and curriculum vitae must accompany the nominations. The agency cannot guarantee further consideration of nominations that do not include this requested information. Potential candidates will be asked by FDA to provide detailed information concerning such matters as financial holdings, employment, consultancies, and research grants and/or contracts to permit evaluation of possible sources of conflict of interest.

Criteria for Consumer-Nominated Members

Selection of representatives of consumer interests will be conducted through procedures that include use of a consortium of consumer organizations which has the responsibility for screening, interviewing, and recommending candidates for the agency's selection. Candidates from this group, like all other candidates for membership on the Committee, should

possess appropriate qualifications to understand and contribute to the Committee's work.

Industry Representatives

Regarding nominations for members representing industry interests, a letter will be sent to each person or organization that has made a nomination and to other organizations that have expressed an interest in participating in the selection process together with a complete list of all such organizations and the nominees. The letter will state that it is the responsibility of each nominator or organization that has expressed an interest in participating in the selection process to consult with the others to provide a consensus slate of possible members representing industry interests within 60 days. In the event that a slate of nominees has not been provided within 60 days, the agency will select an industry representative for each such vacancy from the entire list of industry nominees to avoid delay or disruption of the work of the Committee. The agency is particularly interested in nominees that possess the essential scientific credentials needed to participate fully and knowledgeably in the Committee's deliberations. In addition to this expertise, the agency believes that it would be an advantage to the Committee's work if the individual(s) had special insight and direct experience into specific industry-wide issues, practices, and concerns that might not otherwise be available to others not similarly situated.

This notice is issued under the Federal Advisory Committee Act (5 U.S.C. app. 2) and 21 CFR part 14, relating to advisory committees.

Dated: February 11, 1999.

Michael A. Friedman,

Deputy Commissioner for Operations.

[FR Doc. 99–4214 Filed 2–19–99; 8:45 am]

BILLING CODE 4160–01–F

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Food and Drug Administration

[Docket No. 99N–0191]

Food Code; 1999 Revision; Availability

AGENCY: Food and Drug Administration, HHS.

ACTION: Notice.

SUMMARY: The Food and Drug Administration is announcing the availability of the 1999 revision of the Food Code. This 1999 revision was initiated in cooperation with the Conference for Food Protection (CFP) to help assure that safe, unadulterated, and honestly presented food is sold or offered for human consumption by retail food establishments.

ADDRESSES: The 1999 revision of the Food Code is available for public examination in the Dockets Management Branch (HFA–305), Food and Drug Administration, 5630 Fishers Lane, rm. 1061, Rockville, MD 20852.

FOR FURTHER INFORMATION CONTACT:

Regarding questions about this document: Betty Harden, Office of Field Programs, Center for Food Safety and Applied Nutrition (HFS–627), 200 C St. SW., Washington, DC 20204, 202–205–8140.

Regarding additional information about the CFP: Leon Townsend, Conference for Food Protection, 110 Tecumseh Trail, Frankfort, KY 40601, 502–695–0253.

SUPPLEMENTARY INFORMATION: FDA provides assistance to local, State, and Federal governmental bodies to ensure that the food that is provided to consumers by retail food establishments is not a vector of communicable diseases. One mechanism for providing that assistance is the publication of a model code that sets out FDA's best advice for a uniform system of regulation to ensure that the food sold or offered for human consumption at retail is safe, properly protected, and accurately presented.

The CFP was originally established in 1971 by State and Federal officials and by representatives of industry. In 1988, the CFP adopted a constitution and bylaws to provide a formal structure under which State regulatory authorities could meet and consider guidelines for improving food safety in the retail segment of the food industry.

At the 1986 CFP meeting, FDA presented a White Paper that recommended combining the three distinct model codes that existed at that time (retail food stores, food service facilities, and vending) into a Food Protection Unicode. The CFP endorsed the approach that FDA would develop a model Food Protection Unicode as a priority project. FDA formed a Unicode Task Group and published a notice of the Unicode's availability for comment in the **Federal Register** of May 9, 1988 (53 FR 16472), when the Task Group completed a draft. Based on comments submitted in response to that notice, and in consideration of subsequent comments provided by regulatory officials, industry representatives, academia, and consumer representatives at the CFP meetings in 1988, 1990, and 1992, FDA modified the document and finalized it as the 1993 Food Code. Based on field application trials, further comment, and input from the 1994 CFP meeting, FDA issued a revised version of the 1993 Food Code as the 1995 Food Code. Another revision, the 1997 Food Code, included recommendations made at the 1996 CFP meeting.

The CFP wrote a letter to FDA on June 11, 1998, and suggested changes in the 1997 Food Code. As in the past, these recommended changes were cooperatively developed by regulatory, industry, academic, and consumer representatives within the purview of the constitution and bylaws of the CFP during its 1998 meeting.

The 1999 Food Code responds to those suggestions. Note, however, that FDA's response in the Food Code to the CFP recommendations differs in one respect from the agency's August 14, 1998, letter to the CFP. That is, cook-chill and sous vide operations are not exempted from the definition of reduced oxygen packaged food or from the attendant Code requirements, when *Clostridium botulinum* is a hazard in the final packaged form.

Significant changes from the 1997 Food Code include the following:

(1) An insert page is provided to alert the Food Code reader to the options (and further discussion in Annex 3 about the requirement and the options) available to food establishments in advising especially vulnerable consumers of the increased possibility of foodborne illness when animal-derived foods are eaten raw or undercooked.

(2) Clarification of the Code provision that prohibits bare-hand contact with ready-to-eat food is provided in Annex 3 and an insert page provides a synopsis of the clarification; a prohibition against the use of artificial fingernails and nail polish by food employees is added; and the display of handwashing signs at handwashing facilities and the use of automated handwashing facilities are addressed.

(3) For establishments serving highly susceptible populations, enhanced food safety protections are added with respect to raw shell eggs, juices, and raw seed sprouts.

(4) The definition and Code provisions related to reduced oxygen packaging are modified to more clearly address *C. botulinum* as a microbiological hazard in certain packaging processes, barriers against the growth of *C. botulinum*, and types of reduced oxygen packaging.

(5) New defined terms include accredited program, juice, variance, and whole-muscle, intact beef steak; other

definitions were modified including foodborne illness, potentially hazardous food (with respect to garlic in oil), reduced oxygen packaging, and support animal which is now service animal.

(6) Certain food employee-related provisions are modified, such as eliminating the requirement that food employees report travel out of the country, allowances for nurse practitioners and physician assistants to provide medical documentation, and addition of certain duties of the person in charge to reflect a 1996 CFP recommendation that was overlooked in the 1997 Code.

(7) Time and temperature controls are modified specifically for the cooking temperature for hamburger at less than 1 second and for cooking pork, and labeling criteria are added relative to whole-muscle, intact beef steaks which may be cooked rare without a consumer advisory and relative to safe handling instructions for retail operations that package meat and poultry.

(8) Clarification is provided for cleaning and sanitizing utensils and equipment used in food preparation and for refilling consumer containers, used by consumers to dispense condiments, and used in refrigerated preparation areas.

(9) Date marking of ready-to-eat food is augmented to limit the amount of time new food can be added to a container of existing food.

(10) More user aids are provided, such as additional references in Annex 2 and a diagram of the date marking criteria in Annex 7.

(11) Provisions are updated to reflect consistency with the current *Code of Federal Regulations* and other Federal agencies' guidance.

The 1999 revision of the Food Code is available for public examination in the Dockets Management Branch (address above) between 9 a.m. and 4 p.m., Monday through Friday.

Copies of the 1999 Food Code are available on the World Wide Web at ''http://vm.cfsan.fda.gov/list.html or at http://www.fedworld.com''. The 1999 Food Code also may be purchased from the National Technical Information Service, U.S. Department of Commerce, Springfield, VA 22161, in several formats: Docutek copy, spiral bound, WordPerfect 6.1 files on diskette, and enhanced electronic version on diskette or on CD-ROM including Adobe Reader. The enhanced versions include electronic features such as hypertext links that enable the reader to quickly access the text of cross-referenced Code provisions or other documents. Other documents include Federal laws and regulations and, in the CD-ROM version, reference manuals to assist with plan review and HACCP implementation.

Dated: February 10, 1999.

William K. Hubbard,

Associate Commissioner for Policy Coordination.

[FR Doc. 99–4315 Filed 2–19–99; 8:45 am]

BILLING CODE 4160–01–F

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Food and Drug Administration

Blood Products Advisory Committee; Notice of Meeting

AGENCY: Food and Drug Administration, HHS.

ACTION: Notice.

This notice announces a forthcoming meeting of a public advisory committee of the Food and Drug Administration (FDA). The meeting will be open to the public.

Name of Committee: Blood Products Advisory Committee.

General Function of the Committee: To provide advice and recommendations to the agency on FDA's regulatory issues.

Date and Time: The meeting will be held on March 25, 1999, 8 a.m. to 5:30 p.m., and March 26, 1999, 8 a.m. to 2:30 p.m.

Location: Ramada Inn, Embassy Ballroom, 8400 Wisconsin Ave., Bethesda, MD.

Contact Person: Linda A. Smallwood, Center for Biologics Evaluation and Research (HFM–350), Food and Drug Administration, 1401 Rockville Pike, Rockville, MD 20852–1448, 301–827–3514, or FDA Advisory Committee Information Line, 1–800–741–8138 (301–443–0572 in the Washington, DC area), code 19516. Please call the Information Line for up-to-date information on this meeting.

Agenda: On March 25, 1999, in the morning, the committee will hear, discuss, and provide comments on an informational presentation on Nucleic Acid Testing of Whole Blood. In the afternoon, the committee will discuss and provide comments on Human Immunodeficiency Virus (HIV) p24 Antigen Testing and Validation of Donor History Questions. On March 26, 1999, the committee will discuss and provide comment on an informational presentation on Clinical Trial Endpoints for Immune Globulin Intravenous and will discuss and provide recommendations on algorithms to address Inadvertent Contamination (with HIV, HBsAg, and/or HCV) of Plasma Pools for Fractionation.

Procedure: Interested persons may present data, information, or views, orally or in writing, on issues pending before the committee. Written submissions may be made to the contact person by March 15, 1999. Oral presentations from the public will be scheduled between approximately 10:30 a.m. and 11 a.m.; 1:30 p.m. and 2 p.m.; and 4:30 p.m. and 5 p.m. on March 25, 1999, and between 8:45 a.m. and 9:15 a.m., and 11:30 a.m. and 12 m. on March 26, 1999. Time allotted for each presentation may be limited. Those desiring to make formal oral presentations should notify the contact person before March 15, 1999, and submit a brief statement of the general nature of the evidence or arguments they wish to present, the names and addresses of proposed participants, and an indication of the approximate time requested to make their presentation.

Notice of this meeting is given under the Federal Advisory Committee Act (5 U.S.C. app. 2).

Dated: February 11, 1999.

Michael A. Friedman,

Deputy Commissioner for Operations.

[FR Doc. 99–4215 Filed 2–19–99; 8:45 am]

BILLING CODE 4160–01–F

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Food and Drug Administration

[Docket No. 99N–0235]

Premarket Notification for Food Contact Substances; Public Meeting

AGENCY: Food and Drug Administration, HHS.

ACTION: Notice of meeting.

SUMMARY: The Food and Drug Administration (FDA) is announcing the following public meeting: ''FDA Implementation of the Notification Process for Food Contact Substances.'' FDA is seeking comments from industry, consumer groups, and other members of the public prior to formally announcing the availability of guidance documents for the notification program. FDA will consider the comments received as a result of this meeting as the agency develops its plan for implementing the notification process for food contact substances, as well as the guidance documents for the notification program, which will be made available for public comment, at a later date.

DATES: The meeting will be held on Friday, March 12, 1999, from 8:30 a.m. to 5 p.m. Submit written comments by March 22, 1999.

ADDRESSES: The meeting will be held on the campus of the National Institutes of Health, 9000 Rockville Pike, Bldg. 10, Masur Auditorium, Bethesda, MD, 20892.

FOR FURTHER INFORMATION CONTACT: Vivian M. Gilliam, Center for Food Safety and Applied Nutrition (HFS–215), Food and Drug Administration, 200 C St. SW., Washington, DC 20204, 202–418–3167, FAX 202–418–3131, or e-mail ''vgilliam@bangate.fda.gov''.

SUPPLEMENTARY INFORMATION:

I. Background

In November 1997, Congress passed the Food and Drug Administration Modernization Act of 1997 (FDAMA) . Section 309 of FDAMA amended section 409 of the Federal Food, Drug, and Cosmetic Act (the act) (21 U.S.C. 348) to establish a notification process for food contact substances. A food contact substance is defined as any substance intended for use as a component of materials used in manufacturing, packing, packaging, transporting, or holding food if such use is not intended to have a technical effect in such food (21 U.S.C. 348(h)(6)). Congress intended the notification process to be the primary route for authorizing the use of food contact substances (21 U.S.C. 348(h)(3)(A)), once the notification program begins to operate (see 21 U.S.C. 348(h)(5)). FDA expects that the majority of new uses of food contact substances that are now the subject of food additive petitions or threshold of regulation exemption requests under § 170.39 (21 CFR 170.39) will be the subject of premarket notifications once the notification program is operating.

Under 21 U.S.C. 348(h), the notification process requires a manufacturer or supplier of a food contact substance to notify FDA at least 120 days prior to marketing a food contact substance for a new use. If FDA does not object to the notification within 120 days, the notification becomes effective (21 U.S.C. 348(h)(2)(A)), and the substance may be legally marketed (21 U.S.C. 348(a)(3)(B)).

II. Registration, Written Questions, and Requests for Oral Presentations

Persons interested in attending the March 12, 1999, meeting should send their registration information (including name, title, business affiliation, address, telephone, and fax number), any questions they wish to have considered at the meeting, and any request to make an oral presentation to the contact person (address above). In addition, any person who wishes to distribute written material at the meeting should send copies of such material to the contact person at the time of registration. To expedite processing, registration information may also be faxed to 202–418–3131. Requests to make oral presentations should include an estimate of the time desired for the presentation, which will be accommodated as time permits. Per person time limits for oral presentations may be set to allow all interested persons an opportunity to speak. If you need special accommodations due to disability, please notify the contact person at least 7 days in advance.

III. Availability of Information for Discussion at the Meeting

FDA will make available to all registrants prior to the meeting an information packet, including material on FDA's current thinking on administration of the premarket notification (PMN) process and chemistry and toxicological data recommendations for notifications. FDA also hopes to make available three draft guidance documents (administrative, chemistry, and toxicology) on the FDA website at ''http//www.fda.gov'' in the very near future.

IV. Agenda and Goals

This meeting will provide manufacturers and suppliers of food contact substances, consumer groups, and other interested members of the public with an overview of FDA's current plans for the implementation of the notification process. FDA will also present the agency's current thinking on specific issues or questions of interest to the public.

At the meeting, FDA will present highlights of its administrative plan for the PMN program, its expected chemistry and toxicology data requirements, and its plans for transition to the notification process. There will be an open question and answer period for FDA to answer questions from participants regarding these matters. The agency will also give its current thinking on any questions submitted in writing to the agency prior to February 26, 1999. Participants who, prior to the meeting have registered to make oral presentations, will be permitted to do so as time permits.

FDA is seeking the views of interested parties on all aspects of the notification process for food contact substances. However, FDA is particularly interested in comments that address the following: (1) Realistic estimates of the number and complexity of notifications that would be submitted under the notification program; (2) the application of the requirements of the National Environmental Policy Act (NEPA) to the notification process; (3) the confidentiality of third-party information submitted in support of notifications; (4) FDA's proposed requirements and recommendations on the content of notifications; and (5) the conditions, if any, under which premarket review of a food additive petition would be necessary to assure the safety of a food contact substance (see 21 U.S.C. 348(h)(3)(B)).

A. Number and Complexity of Submissions

FDA believes that full implementation of the notification process for food contact substances could largely replace the food additive petition process for such substances and could replace completely the threshold of regulation exemption process in § 170.39. FDA also believes that the predictability of the notification process and the proprietary nature of notifications will increase the number of notifications for food contact substances compared to the current number of petitions and threshold of regulation submissions for such substances. FDA has estimated that it will receive approximately 400 submissions annually, based on an analysis of the type and number of submissions the agency currently receives and the number of industry participants in different areas of chemical production. However, FDA is interested in comments from the public regarding the number and complexity of notifications for food contact substances that would likely be submitted.

B. Environmental Considerations

Currently, food additive petitions and threshold of regulation exemptions must contain either a claim for categorical exclusion or an environmental assessment. FDA's current view is that, if NEPA is applicable to the notification process, the present categorical exclusions and requirements for an environmental assessment would apply to the notification process. However, FDA seeks comments on the applicability, to the notification process, of current environmental requirements for food additive petitions and threshold of regulation exemptions.

C. Proprietary Third-Party Data

Currently, FDA receives many food additive petitions and threshold of regulation requests that reference proprietary information submitted by third parties. In some cases, the proprietary information is necessary to describe adequately either the food

contact substance or appropriate limitations on its use. FDA has tentatively concluded that a company submitting proprietary information that is necessary to identify adequately the food contact substance or the notified use implicitly agrees that such information may be publicly disclosed to the extent that it is necessary to describe the food contact substance and the notified use. However, FDA is seeking comments on how FDA should manage third-party information claimed to be confidential that is referenced in a notification where such information is necessary to provide adequate identification of the food contact substance or the proposed conditions of use.

D. Format and Content of a Notification

Under 21 U.S.C. 348(h)(1), a manufacturer or supplier of a food contact substance is required, prior to marketing a food contact substance, to notify FDA of its determination that the intended use of the substance is safe within the meaning of 21 U.S.C. 348(c)(3)(A). FDA believes that the notifier's determination of safety must be presented in such a way that the agency is able to review and verify the most important aspects of the notifier's safety determination within the 120-day notification period. FDA is requesting comments on recommendations in the material provided regarding the form and content of notifications.

E. When a Petition Shall be Required

Under 21 U.S.C. 348(h)(3)(B), FDA is authorized to issue regulations to identify the circumstances under which a petition shall be filed for the use of a food contact substance, and is to consider such factors as the probable consumption of the substance and its potential toxicity. FDA has tentatively concluded that there are substances whose intake level or potential toxicity present a level of potential risk high enough that the use of such substances should be subject to premarket review and approval and a determination of safety by the agency in order to assure their safe use. The agency is considering using a cumulative intake of 500 parts per billion or more in the diet as one criterion for requiring submission of a petition. FDA is seeking comments on this approach, and requests suggestions from the public on other potential criteria.

V. Comments

Interested persons may, on or before March 22, 1999, submit written comments to the Dockets Management Branch (HFA–305), Food and Drug Administration, 5630 Fishers Lane, rm. 1061, Rockville, MD 20852. Comments may also be sent to the Dockets Management Branch at the following e-mail address ''FDADockets@bangate.fda.gov'' or via the FDA website ''http://www.fda.gov''. Comments should be annotated and organized to identify the the specific issues to which they refer. Two copies of any comments are to be submitted except that individuals may submit one copy. Comments are to be identified with the docket number found in brackets in the heading of this document. Received comments may be seen in the Dockets Management Branch between 9 a.m. and 4 p.m., Monday through Friday.

VI. Transcripts

Transcripts of the meeting may be requested in writing from the Freedom of Information Office (HFI–35), Food and Drug Administration, 5600 Fishers Lane, rm. 12A–16, Rockville, MD 20852, approximately 15 working days after the meeting at a cost of 10 cents per page. The transcript of the meeting will also be available for public examination after March 22, 1999, at the Dockets Management Branch (address above) between 9 a.m. and 4 p.m., Monday through Friday, as well as on the FDA website ''http://www.fda.gov''.

Dated: February 16, 1999.

William K. Hubbard,

Acting Deputy Commissioner for Policy.

[FR Doc. 99–4402 Filed 2–18–99; 11:53 am]

BILLING CODE 4160–01–F

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Food and Drug Administration

[Docket No. 99D–0186]

Draft Guidance for Industry on Testing Orthopedic Implants With Metallic Plasma Sprayed Coatings to Support Reconsideration of Postmarket Surveillance Requirements; Availability

AGENCY: Food and Drug Administration, HHS.

ACTION: Notice.

SUMMARY: The Food and Drug Administration (FDA) is announcing the availability of a draft guidance entitled ''Guidance for Industry on Testing Orthopedic Implants With Metallic Plasma Sprayed Coatings to Support Reconsideration of Postmarket Surveillance Requirements.'' This draft guidance is neither final nor is it in effect at this time. Metallic plasma spray coatings, both porous and nonporous, and metallic sintered or diffusion bonded porous coatings are used to attach artificial joints to living bone. FDA's Center for Devices and Radiological Health (CDRH) is identifying a set of testing methods that will accurately compare the mechanical properties of metallic plasma spray coatings with the same properties of sintered or diffusion bonded porous coatings. This draft guidance document proposes to use a number of mechanical tests to compare the mechanical properties of the various types of coatings. CDRH needs the ability to make the above comparisons in order to identify coated hip devices that should be subject to postmarket surveillance requirements.

DATES: Written comments concerning this draft guidance document must be received by May 24, 1999.

ADDRESSES: Submit written requests for single copies on a 3.5″ diskette of the draft guidance document entitled ''Guidance for Industry on Testing Orthopedic Implants With Metallic Plasma Sprayed Coatings to Support Reconsideration of Postmarket Surveillance Requirements'' to the Division of Small Manufacturers Assistance (HFZ–220), CDRH, Food and Drug Administration, 1350 Piccard Dr., Rockville, MD 20850. Send two self-addressed adhesive labels to assist that office in processing your request, or fax your request to 301–443–8818. Submit written comments concerning this draft guidance document to the Dockets Management Branch (HFA–305), Food and Drug Administration, 5630 Fishers Lane, rm. 1061, Rockville, MD 20852. Comments should be identified with the docket number found in brackets in the heading of this document. See the **SUPPLEMENTARY INFORMATION** section for information on electronic access to the draft guidance.

FOR FURTHER INFORMATION CONTACT: Anita M. Rayner, Center for Devices and Radiological Health (HFZ–543), Food and Drug Administration, 1350 Piccard Dr., Rockville, MD 20850, 301–594–0006.

SUPPLEMENTARY INFORMATION:

I. Background

FDA announced the reclassification and codification of the hip joint, metal/polymer/metal, semi-constrained, porous-coated uncemented prostheses in the **Federal Register** of January 8, 1993 (58 FR 3227). The reclassification was effective February 21, 1992. On February 15, 1994, CDRH's Orthopedic and Rehabilitation Devices Branch determined that hip prostheses using plasma sprayed porous coatings for

biological fixation can be substantially equivalent to the reclassified porous coated hip prosthesis. As part of the decision CDRH, using the then existing authority of section 522(a)(1)(C) of the Federal Food, Drug, and Cosmetic Act, required manufacturers of plasma spray porous coated hip prostheses to conduct postmarket surveillance of their devices. Postmarket surveillance was required because of CDRH's concern that reported differences between the mechanical properties, particularly abrasion resistance, of plasma sprayed coatings and sintered and diffusion bonded porous coatings could have an adverse effect on the long-term revision rate of the plasma sprayed devices. While CDRH has clinical data describing the long-term revision rate of sintered and diffusion bonded porous coated hip prostheses, CDRH does not have this type of data on the cementless use of plasma sprayed hip prostheses. The postmarket surveillance will consist of prospective, long-term, followup of a population of patients who have received a cementless implantation of the manufacturer's plasma sprayed porous coated hip prosthesis. The objective of the patient followup is to determine the long-term revision rate for each plasma sprayed porous coated hip prosthesis.

At the time postmarket surveillance was required, CDRH believed that the term ''plasma spray'' was a single manufacturing technique that produced a single form of coating with a single set of metallurgical and mechanical properties. CDRH now recognizes that plasma spray manufacturing methods are a subset of the larger, thermal spray group of metallic coating production methods. CDRH has come to recognize that thermal spray coating methods can produce coatings with a wide range of metallurgical and mechanical properties. As an example, CDRH originally believed that, when used to apply metallic coatings to hip prostheses, plasma spray manufacturing techniques were used to produce only porous coatings. CDRH now also recognizes that hip prostheses with nonporous metallic coatings are also manufactured by plasma spray and other thermal spray methods.

Several manufacturers, using a variety of thermal spray coating methods, have received substantial equivalence decisions for their coated hips. A number of these manufacturers have sought reconsideration of CDRH's decision to require postmarket surveillance of their products. Several of the requests for reconsideration are, in part, based on claims that manufacturing technology permits the production of plasma sprayed coatings with mechanical properties, particularly abrasion resistance, equal to or better than those of the sintered or diffusion bonded porous coatings upon which the reclassification was based. In response to the requests for reconsideration, CDRH released a draft guidance document describing testing methods that CDRH believed could compare the mechanical properties of plasma sprayed coatings with those of sintered and diffusion bonded porous coatings. Several comments on that draft guidance document were received. Some comments on that draft guidance document included mechanical test data on different thermal spray coatings, both porous and nonporous. These data indicate that thermal spray coatings can have mechanical properties greater than, less than, or almost equal to those of sintered or diffusion bonded porous coatings.

CDRH does not believe that postmarket surveillance is necessary for hip prostheses whose coatings have mechanical properties, particularly abrasion resistance, equal to or better than sintered or diffusion bonded porous coatings. As a result, CDRH is now proposing to use the mechanical test methods described in this draft guidance document to reevaluate, on a case-by-case basis, the need for manufacturers to conduct postmarket surveillance of their metallic thermal spray coated hip prostheses.

II. Significance of Guidance

This draft guidance document represents the agency's current thinking on what data are necessary to support reconsideration of the thermal spray coated hip prosthesis postmarket surveillance requirements. It does not create or confer any rights for or on any person and does not operate to bind FDA or the public. An alternative approach may be used if such approach satisfies the applicable statute, regulations, or both.

The agency has adopted Good Guidance Practices (GGP's), which set forth the agency's policies and procedures for the development, issuance, and use of guidance documents (62 FR 8961, February 27, 1997). This guidance document is issued as a Level 1 guidance consistent with GGP's.

III. Electronic Access

In order to receive ''Guidance for Industry on Testing Orthopedic Implants With Metallic Plasma Sprayed Coatings to Support Reconsideration of Postmarket Surveillance Requirements'' via your fax machine, call the CDRH Facts–On–Demand (FOD) system at 800–899–0381 or 301–827–0111 from a touch-tone telephone. At the first voice prompt press 1 to access DSMA Facts, at second voice prompt press 2, and then enter the document number 946 followed by the pound sign (#). Then follow the remaining voice prompts to complete your request.

Persons interested in obtaining a copy of the draft guidance may also do so using the World Wide Web (WWW). CDRH maintains an entry on the WWW for easy access to information including text, graphics, and files that may be downloaded to a personal computer with access to the WWW. Updated on a regular basis, the CDRH home page includes ''Guidance for Industry on Testing Orthopedic Implants With Metallic Plasma Sprayed Coatings to Support Reconsideration of Postmarket Surveillance Requirements,'' device safety alerts, **Federal Register** reprints, information on premarket submissions (including lists of approved applications and manufacturers' addresses), small manufacturers' assistance, information on video conferencing and electronic submissions, mammography matters, and other device-oriented information. The CDRH home page may be accessed at ''http://www.fda.gov/cdrh''. ''Guidance for Industry on Testing Orthopedic Implants With Metallic Plasma Sprayed Coatings to Support Reconsideration of Postmarket Surveillance Requirements'' will be available at ''http://www.fda.gov/cdrh/postsurv''.

IV. Comments

Interested persons may, on or before May 24, 1999, submit to Dockets Management Branch (address above) written comments regarding this draft guidance. Two copies of any comments are to be submitted, except that individuals may submit one copy. Comments are to be identified with the docket number found in brackets in the heading of this document. The guidance document and received comments may be seen in the Dockets Management Branch between 9 a.m. and 4 p.m., Monday through Friday.

Dated: February 8, 1999.

Linda S. Kahan,

Deputy Director for Regulations Policy, Center for Devices and Radiological Health.

[FR Doc. 99–4213 Filed 2–19–99; 8:45 am]

BILLING CODE 4160–01–F

DEPARTMENT OF HEALTH AND HUMAN SERVICES

National Institutes of Health

National Cancer Institute; Notice of Closed Meeting

Pursuant to section 10(d) of the Federal Advisory Committee Act, as amended (5 U.S.C. Appendix 2), notice is hereby given of the following meeting.

The meeting will be closed to the public in accordance with the provisions set forth in sections 552b(c)(4) and 552b(c)(6), Title 5 U.S.C., as amended. The grant applications and the discussions could disclose confidential trade secrets or commercial property such as patentable material, and personal information concerning individuals associated with the grant applications, the disclosure of which would constitute a clearly unwarranted invasion of personal privacy.

Name of Committee: National Cancer Institute Special Emphasis Panel, Aids Associated Malignancies Clinical Trials Consortium.

Date: March 9–10, 1999.

Time: 7:30 PM to 2:00 PM.

Agenda: To review and evaluate grant applications.

Place: Ramada Inn, 1775 Rockville Pike, Rockville, MD 20852.

Contact Person: Gerald G. Lovinger, Scientific Review Administrator, Grants Review Branch, Division of Extramural Activities, National Cancer Institute, National Institutes of Health, 6130 Executive Boulevard/EPN—Room 630D, Rockville, MD 20892–7405, 301/496–7987.

This notice is being published less than 15 days prior to the meeting due to the timing limitations imposed by the review and funding cycle.

(Catalogue of Federal Domestic Assistance Program Nos. 93.392, Cancer Construction; 93.393, Cancer Cause and Prevention Research; 93.394, Cancer Detection and Diagnosis Research; 93.395, Cancer Treatment Research; 93.396, Cancer Biology Research; 93.397, Cancer Centers Support; 93.398, Cancer Research Manpower; 93.399, Cancer Control, National Institutes of Health, HHS)

Dated: February 16, 1999.

Anna Snouffer,

Acting Committee Management Officer, NIH.

[FR Doc. 99–4296 Filed 2–19–99; 8:45 am]

BILLING CODE 4140–01–M

DEPARTMENT OF HEALTH AND HUMAN SERVICES

National Institutes of Health

National Cancer Institute; Notice of Closed Meeting

Pursuant to section 10(d) of the Federal Advisory Committee Act, as amended (5 U.S.C. Appendix 2), notice is hereby given of the following meeting.

The meeting will be closed to the public in accordance with the provisions set forth in sections 552b(c)(4) and 552b(c)(6), Title 5 U.S.C., as amended. The contract proposals and the discussions could disclose confidential trade secrets or commercial property such as patentable material, and personal information concerning individuals associated with the contract proposals, the disclosure of which would constitute a clearly unwarranted invasion of personal privacy.

Name of Committee: National Cancer Institute Special Emphasis Panel, Preparation of Radiolabeled Materials.

Date: February 25, 1999.

Time: 1:00 P.M. to 3:00 P.M.

Agenda: To review and evaluate contract proposals.

Place: 6130 Executive Blvd., 6th floor, Rockville, MD 20852.

Contact Person: Wilna A. Woods, PhD, Deputy Chief, Special Review, Referral and Research Branch, Division of Extramural Activities, National Cancer Institute, National Institutes of Health, Rockville, MD 20852, (301) 496–7903.

This notice is being published less than 15 days prior to the meeting due to the timing limitations imposed by the review and funding cycle.

(Catalogue of Federal Domestic Assistance Program Nos. 93.392, Cancer Construction; 93.393, Cancer Cause and Prevention Research; 93.394, Cancer Detection and Diagnosis Research; 93.395, Cancer Treatment Research; 93.396, Cancer Biology Research; 93.397, Cancer Centers Support; 93.398, Cancer Research Manpower; 93.399, Cancer Control, National Institutes of Health, HHS)

Dated: February 16, 1999.

Anna Snouffer,

Acting Committee Management Officer, NIH.

[FR Doc. 99–4297 Filed 2–19–99; 8:45 am]

BILLING CODE 4140–01–M

DEPARTMENT OF HEALTH AND HUMAN SERVICES

National Institutes of Health

National Heart, Lung, and Blood Institute; Notice of Closed Meetings

Pursuant to section 10(d) of the Federal Advisory Committee Act, as amended (5 U.S.C. Appendix 2), notice is hereby given of the following meetings.

The meetings will be closed to the public in accordance with the provisions set forth in sections 552b(c)(4) and 552b(c)(6), Title 5 U.S.C., as amended. The grant applications and the discussions could disclose confidential trade secrets or commercial property such as patentable material, and personal information concerning individuals associated with the grant applications, the disclosure of which would constitute a clearly unwarranted invasion of personal privacy.

Name of Committee: National Heart, Lung, and Blood Institute Special Emphasis Panel, Demonstration and Education Research Grants.

Date: March 16, 1999.

Time: 8:00 am to 2:30 pm.

Agenda: To review and evaluate grant applications.

Place: Washington National Airport Hilton, 2399 Jefferson Davis Highway, Arlington, VA 22202.

Contact Person: Louise P. Corman, PhD, Scientific Review Administrator, NIH, NHLBI, DEA, Rockledge Building II, 6701 Rockledge Drive, Suite 7180, Bethesda, MD 20892–7924, (301) 435–0270.

Name of Committee: National Heart, Lung, and Blood Institute Special Emphasis Panel, Atherosclerosis Risk in Communities (ARIC) Study.

Date: March 16, 1999.

Time: 3:00 pm to 5:15 pm.

Agenda: To review and evaluate contract proposals.

Place: Hilton National Airport Hotel, 2399 Jefferson Davis Highway, Arlington, VA 22202.

Contact Person: Louise P. Corman, PhD, Scientific Review Administrator, Review Branch, NIH, NHLBI, Rockledge Building II, 6701 Rockledge Drive, Suite 7180, Bethesda, MD 20892–7924, (301) 435–0270.

(Catalogue of Federal Domestic Assistance Program Nos. 93.233, National Center for Sleep Disorders Research; 93.837, Heart and Vascular Diseases Research; 93.838, Lung Diseases Research; 93.839, Blood Diseases and Resources Research, National Institutes of Health, HHS)

Dated: February 12, 1999.

LaVerne Y. Stringfield,

Committee Management Officer, NIH.

[FR Doc. 99–4304 Filed 2–19–99; 8:45 am]

BILLING CODE 4140–01–M′

DEPARTMENT OF HEALTH AND HUMAN SERVICES

National Institutes of Health

National Institute of Diabetes and Digestive and Kidney Diseases; Notice of Closed Meetings

Pursuant to section 10(d) of the Federal Advisory Committee Act, as

amended (5 U.S.C. Appendix 2), notice is hereby given of the following meetings.

The meetings will be closed to the public in accordance with the provisions set forth in sections 552b(c)(4) and 552b(c)(6), Title 5 U.S.C., as amended. The grant applications and the discussions could disclose confidential trade secrets or commercial property such as patentable material, and personal information concerning individuals associated with the grant applications, the disclosure of which would constitute a clearly unwarranted invasion of personal privacy.

Name of Committee: National Institute of Diabetes and Digestive and Kidney Diseases Special Emphasis Panel, ZDK1 GRB–7 M2.
Date: March 24–26, 1999.
Time: March 24, 1999, 7:30 PM to Adjournment.
Agenda: To review and evaluate grant applications.
Place: Ramada Inn, 75 Service Road, East Boston, MA 02128.
Contact Person: Lakshmanan Sankaran, PhD., Scientific Review Administrator, Review Branch, DEA, NIDDK, Natcher Building, Room 6AS–37, National Institutes of Health, Bethesda, MD 20892–6600, (301) 594–7799.

Name of Committee: National Institute of Diabetes and Digestive and Kidney Diseases Special Emphasis Panel, ZDK1 GRB 4 M3.
Date: March 25–26, 1999.
Time: March 25, 1999, 7:30 PM to Adjournment.
Agenda: To review and evaluate grant applications.
Place: Doubletree Guest Suites, 1300 Concourse Drive, Linthicum, MD 21090.
Contact Person: William Elzinga, PhD., Scientific Review Administrator, Review Branch, DEA, NIDDK, Natcher Building, Room 6AS–37, National Institutes of Health, Bethesda, MD 20892–6600, (301) 594–8895.

(Catalogue of Federal Domestic Assistance Program Nos. 93.847, Diabetes, Endorinology and Metabolic Research; 93.848, Digestive Dieases and Nutrition Research; 93.849, Kidney Diseases, Urology and Hematology Research, National Institutes of Health, HHS)

Dated: February 16, 1999.

Anna Snouffer,

Acting Committee Management Officer, NIH.

[FR Doc. 99–4298 Filed 2–19–99; 8:45 am]

BILLING CODE 4140–01–M

DEPARTMENT OF HEALTH AND HUMAN SERVICES

National Institutes of Health

National Institute of General Medical Sciences; Notice of Closed Meeting

Pursuant to section 10(d) of the Federal Advisory Committee Act, as amended (5 U.S.C. Appendix 2), notice is hereby given of the following meeting.

The meeting will be closed to the public in accordance with the provisions set forth in sections 552b(c)(4) and 552b(c)(6), Title 5 U.S.C., as amended. The grant applications and the discussions could disclose confidential trade secrets or commercial property such as patentable material, and personal information concerning individuals associated with the grant applications, the disclosure of which would constitute a clearly unwarranted invasion of personal privacy.

Name of Committee: National Institute of General Medical Sciences Special Emphasis Panel Institutional Research and Academic Career Development Award
Date: March 16, 1999.
Time: 8:30 AM to 1:30 PM.
Agenda: To review and evaluate grant applications.
Place: Holiday Inn-Chevy Chase, 5520 Wisconsin Avenue, Chevy Chase, MD 20815.
Contact Person: Helen R. Sunshine, PhD, Chief, Office of Scientific Review, NIGMS, Natcher Building, Room 1AS–13, Bethesda, MD 20892, (301) 594–2881.

(Catalogue of Federal Domestic Assistance Program Nos. 93.375, Minority Biomedical Research Support; 93.821, Cell Biology and Biophysics Research; 93.859, Pharmacology, Physiology, and Biological Chemistry Research; 93.862, Genetics and Developmental Biology Research; 93.88, Minority Access to Research Careers; 93.96, Special Minority Initiatives, National Institutes of Health, HHS)

Dated: February 16, 1999.

LaVerne Y. Stringfield,

Committee Management Officer, NIH.

[FR Doc. 99–4299 Filed 2–19–99; 8:45 am]

BILLING CODE 4140–01–M

DEPARTMENT OF HEALTH AND HUMAN SERVICES

National Institutes of Health

National Institutes of General Medical Sciences; Notice of Closed Meeting

Pursuant to section 10(d) of the Federal Advisory Committee Act, as amended (5 U.S.C. Appendix 2), notice is hereby given of the following meeting.

The meeting will be closed to the public in accordance with the provisions set forth in sections 552b(c)(4) and 552b(c)(6), Title 5 U.S.C., as amended. The grant applications and the discussions could disclose confidential trade secrets or commercial property such as patentable material, and personal information concerning individuals associated with the grant applications, the disclosure of which would constitute a clearly unwarranted invasion of personal privacy.

Name of Committee: National Institute of General Medical Sciences Initial Review Group, Biomedical Research and Research Training Review Committee A.
Date: March 12, 1999.
Time: 8:30 AM to 5:00 PM.
Agenda: To review and evaluate grant applications.
Place: The Hyatt Regency Hotel, 100 Bethesda Metro Center, Bethesda, MD 20814.
Contact Person: CAROLE H. LATKER, PHD, SCIENTIFIC REVIEW ADMINISTRATOR, Office of Scientific Review, National Institute of General Medical Sciences, National Institutes of Health, Natcher Building, Room 1AS–13, Bethesda, MD 20892, (301) 594–3663.

(Catalogue of Federal Domestic Assistance Program Nos. 93.375, Minority Biomedical Research Support; 93.821, Cell Biology and Biophysics Research; 93.859, Pharmacology, Physiology, and Biological Chemistry Research; 93.862, Genetics and Developmental Biology Research; 93.88, Minority Access to Research Careers; 93.96, Special Minority Initiatives, National Institutes of Health, HHS)

Dated: February 16, 1999.

LaVerne Y. Stringfield,

Committee Management Officer, NIH.

[FR Doc. 99–4300 Filed 2–19–99; 8:45 am]

BILLING CODE 4140–01–M

DEPARTMENT OF HEALTH AND HUMAN SERVICES

National Institutes of Health

National Institute of General Medical Sciences; Notice of Closed Meeting

Pursuant to section 10(d) of the Federal Advisory Committee Act, as amended (5 U.S.C. Appendix 2), notice is hereby given of the following meeting.

The meeting will be closed to the public in accordance with the provisions set forth in sections 552b(c)(4) and 552b(c)(6), Title 5 U.S.C., as amended. The grant applications and the discussions could disclose confidential trade secrets or commercial property such as patentable material, and personal information concerning individuals associated with the grant applications, the disclosure of which would constitute a clearly unwarranted invasion of personal privacy.

Name of Committee: Minority Programs Review Committee, Mbrs Subcommittee B.
Date: March 18–19, 1999.
Time: 8:30 AM to 5:00 PM.
Agenda: To review and evaluate grant applications.
Place: Bethesda Holiday Inn, 8120 Wisconsin Avenue, Bethesda, MD 20814.
Contact Person: Michael A. Sesma, PhD, Scientific Review Administrator, Office of

Scientific Review, NIGMS, Natcher Building, Room 1AS19H, 45 Center Drive, Bethesda, MD 20892, (301) 594–2048.

(Catalogue of Federal Domestic Assistance Program Nos. 93.375, Minority Biomedical Research Support; 93.821, Cell Biology and Biophysics Research; 93.859, Pharmacology, Physiology, and Biological Chemistry Research; 93.862, Genetics and Developmental Biology Research; 93.88, Minority Access to Research Careers; 93.96, Special Minority Initiatives, National Institutes of Health, HHS)

Dated: February 16, 1999.

LaVerne Y. Stringfield,

Committee Management Officer, NIH.

[FR Doc. 99–4301 Filed 2–19–99; 8:45 am]

BILLING CODE 4140–01–M

DEPARTMENT OF HEALTH AND HUMAN SERVICES

National Institutes of Health

National Institute of Arthritis and Musculoskeletal and Skin Diseases; Notice of Closed Meeting

Pursuant to section 10(d) of the Federal Advisory Committee Act, as amended (5 U.S.C. Appendix 2), notice is hereby given of the following meeting.

The meeting will be closed to the public in accordance with the provisions set forth in sections 552b(c)(4) and 552b(c)(6), Title 5 U.S.C., as amended. The grant applications and the discussions could disclose confidential trade secrets or commercial property such as patentable material, and personal information concerning individuals associated with the grant applications, the disclosure of which would constitute a clearly unwarranted invasion of personal privacy.

Name of Committee: National Institute of Arthritis and Musculoskeletal and Skin Diseases Special Emphasis Panel, NIAMS Terjung Review.

Date: March 2, 1999.

Time: 4:30 p.m. to 5 p.m.

Agenda: To review and evaluate grant applications.

Place: 45 Natcher Bldg., Rm 5As.25u, Bethesda, MD 20892 (Telephone Conference Call).

Contact Person: Melody Maryland, NIAMS, NIH, Grants Review Branch, 45 Center Drive, Rm. 5AS 25U, Bethesda, MD 20892, 301–594–4952.

(Catalogue of Federal Domestic Assistance Program Nos. 93.846, Arthritis, Musculoskeletal and Skin Diseases Research, National Institutes of Health, HHS)

Dated: February 16, 1999.

LaVerne Y. Stringfield,

Committee Management Officer, NIH.

[FR Doc. 99–4302 Filed 2–19–99; 8:45 am]

BILLING CODE 4140–01–M

DEPARTMENT OF HEALTH AND HUMAN SERVICES

National Institutes of Health

National Library of Medicine; Notice of Meeting

Pursuant to section 10(d) of the Federal Advisory Committee Act, as amended (5 U.S.C. Appendix 2), notice is hereby given of the following meeting.

The meeting will be open to the public as indicated below, with attendance limited to space available. Individuals who plan to attend and need special assistance, such as sign language interpretation or other reasonable accommodations, should notify the Contact Person listed below in advance of the meeting.

The meeting will be closed to the public in accordance with the provisions set forth in section 552b(c)(4) and 552b(c)(6), Title 5 U.S.C., as amended. The grant applications and the discussions could disclose confidential trade secrets or commercial property such as patentable material, and personal information concerning individuals associated with the grant applications, the disclosure of which would constitute a clearly unwarranted invasion of personal privacy.

Name of Committee: Biomedical Library Review Committee.

Date: March 3–4, 1999.

Open: March 3, 1999, 8:30 am to 9:00 am.

Agenda: Administrative reports and program developments.

Place: National Library of Medicine, 8600 Rockville Pike, Board Room, Bethesda, MD 20894.

Closed: March 3, 1999, 9:00 am to 11:40 am.

Agenda: To review and evaluate grant applications.

Place: National Library of Medicine, 8600 Rockville Pike, Board Room, Bethesda, MD 20894.

Open: March 3, 1999, 11:30 am to 12:00 pm.

Agenda: Administrative reports and program developments.

Place: National Library of Medicine, 8600 Rockville Pike, Board Room, Bethesda, MD 20894.

Closed: March 3, 1999, 12:00 pm to 5:00 pm.

Agenda: To review and evaluate grant applications.

Place: National Library of Medicine, 8600 Rockville Pike, Board Room, Bethesda, MD 20894.

Open: March 4, 1999, 8:30 am to 8:45 am.

Agenda: Administrative reports and program developments.

Place: National Library of Medicine, 8600 Rockville Pike, Board Room, Bethesda, MD 20894.

Closed: March 4, 1999, 8:45 am to 1:30 pm.

Agenda: To review and evaluate grant applications.

Place: National Library of Medicine, 8600 Rockville Pike, Board Room, Bethesda, MD 20894.

Contact Person: Sharee Pepper, PhD., Scientific Review Administrator, Health Scientist Administrator, Office of Extramural Programs, National Library of Medicine, 6705 Rockledge Drive, Suite 301, Bethesda, MD 20892.

This notice is being published less than 15 days prior to the meeting due to the timing limitations imposed by the review and funding cycle.

(Catalogue of Federal Domestic Assistance Program Nos. 93.879, Medical Library Assistance, National Institutes of Health, HHS)

Dated: February 16, 1999.

LaVerne Y. Stringfield,

Committee Management Officer, NIH.

[FR Doc. 99–4303 Filed 2–19–99; 8:45 am]

BILLING CODE 4140–01–M

DEPARTMENT OF HEALTH AND HUMAN SERVICES

National Institutes of Health

Statement of Organization, Functions, and Delegations of Authority

Part N, National Institutes of Health, of the Statement of Organization, Functions, and Delegations of Authority for the Department of Health and Human Services (40 FR 22859, May 27, 1975, as amended most recently at 63 FR 8656, February 20, 1998, and redesignated from Part HN as Part N at 60 FR 56605, November 9, 1995), is amended as set forth below to rename the Office of Communications (NA8, formerly HNA8) and establish organizational components for current activities within the Office.

Section N–B, Organization and Functions, is amended by replacing the current sections NA8 through NA824 (formerly HNA8 through HNA824) with the following:

Office of Communications and Public Liaison (NA8, formerly HNA8). (1) Plans and directs activities to communicate information about NIH programs and accomplishments to the general public, the scientific community, the medical profession, and public advocacy groups; (2) advises the Director of NIH on effective communications strategies; (3) represents the Director of NIH in relations with the media and scientific publications; (4) coordinates communications policy and activities with the Office of the Assistant Secretary for Public Affairs and with the Institutes and Centers of NIH; (5) directs the implementation of the Freedom of Information Act at NIH; (6) facilitates

public participation in NIH activities through the Council of Public Representatives and other means.

Office of the Director (NA81, formerly HNA81). (1) Directs and coordinates the operations of the Office of Communications and Public Liaison; (2) functions as spokesman for the Director of NIH; (3) operates the NIH public liaison program; and (4) provides staff support for the Council of Public Representatives.

Public Information Office (NA82, formerly HNA82). (1) Advises the Associate Director for Communications on the public information and public affairs activities of NIH; (2) produces and reviews a wide variety of publications and media presentations about NIH programs and research for the general public and the scientific community; (3) assists NIH components to produce effective public information publications and presentations; (4) prepares speeches, articles, and other presentations for officials of NIH and the Office of the Secretary; and (5) supports media interactions by the Director, NIH, and other NIH scientists and officials.

Office of the Director (NA821, formerly HNA821). Plans and directs the operations of the Public Information Office.

New Media Branch (NA822, formerly HNA822). (1) Serves the central news contact for NIH and maintains contact with members of the electronic and print media; (2) prepares and issues feature materials describing NIH programs; (3) produces audio tapes of health messages and interviews with NIH scientists for use by radio stations; (4) manages press conferences for the Director of NIH and other scientists and officials; (5) keeps the NIH leadership informed about media coverage of NIH issues and programs; and (6) clears press releases and audiovisual productions with the Office of the Assistant Secretary for Public Affairs before distribution.

Editorial Operations Branch (NA824, formerly HNA824). (1) Plans and produces NIH-wide publications; (2) reviews articles and publications produced by Institutes and Centers for consistency with NIH policy and program objectives; (3) clears NIH publications with the Office of the Assistant Secretary for Public Affairs; and (4) publishes The NIH Record, the NIH Calendar of Events, the NIH Almanac, and the NIH Publications List and Information Index.

Science Communications Branch (NA825, formerly HNA825). (1) Facilitates the understanding of scientific concepts by the media and general public: (2) publishes health information newsletters such as Word on Health; (3) conducts periodic seminars for science writers and staffs similar activities, such as residence programs for science writers; and (4) keeps up-to-date information on research advances by NIH scientists and grantees.

Online Information Branch (NA826, formerly HNA826). (1) Coordinates and supports the use of networked computers to provide information about NIH within the Office of Communications and Public Liaison; (2) manages the NIH World Wide Web Coordinating Committee, which provides leadership for the design and content of the NIH Web site; (3) works with other relevant offices and committees in establishing operational standards and guidelines for Web sites at NIH; (4) has direct responsibility for several major areas of the NIH home page that address the special needs of health care professionals, patients, members of the press, the public and employees; (5) manages the processing of electronic mail sent to the NIH home page; (6) provides Web support services and guidance to other OD offices including the Director, NIH; and (7) conducts special studies on the use of the NIH Web, including evaluation projects.

Special Projects Branch (NA827, formerly HNA827). (1) Plans, organizes, and conducts special public events and functions; (2) conducts tours and orientations for a wide variety of domestic and international groups visiting NIH; (3) operates the NIH Visitor Information Center; and (4) conducts NIH-wide voluntary efforts such as the Combined Federal Campaign.

Freedom of Information Office (NA83, formerly HNA83). (1) Manages the implementation of the Freedom of Information Act (FOIA) at NIH; (2) provides FOIA policy guidance, training, and advice to Institutes, Centers, and components of the Office of the Director, NIH; (3) responds to selected, highly sensitive FOIA requests; (4) coordinates the response to FOIA requests involving more than one NIH component; (5) issues all denials under the FOIA for NIH; (6) provides the NIH position if FOIA decisions are appealed to the Assistant Secretary for Public Affairs; and (7) helps the public interested in NIH to use the FOIA.

NIH History Office and Museum (NA84, formerly HNA84). (1) Provides guidance to Institutes and Centers regarding the preservation of historical materials such as documents, photographs, and artifacts; (2) provides the Director, NIH, and other senior staff with oral or written historical perspectives on current policy issues; (3) prepares oral and written histories and historical presentations primarily on NIH-conducted or -sponsored biomedical research; (4) maintains selected historical materials; (5) manages the DeWitt Stetten, Jr., Museum of Medical Research, which: (a) Collects, preserves, and exhibits biomedical research instruments, technologies, and memorabilia, especially those related to NIH; and (b) educates the public about the process and achievements of biomedical research through exhibits and publications that generally focus on the research of NIH investigators.

Delegations of Authority Statement: All delegations and redelegations of authority to offices and employees of NIH which were in effect immediately prior to the effective date of this reorganization and are consistent with this reorganization shall continue in effect, pending further redelegation.

Dated: February 10, 1999.

Harold Varmus,

Director, National Institutes of Health.

[FR Doc. 99–4305 Filed 2–19–99; 8:45 am]

BILLING CODE 4140–01–M

DEPARTMENT OF HEALTH AND HUMAN SERVICES

National Institutes of Health

Prospective Grant of Exclusive License: Transformation Associated Recombination (TAR) System in Yeast for Specific Cloning of DNAs as Yeast Artificial Chromosomes (YACs)

AGENCY: National Institutes of Health, Public Health Service, DHHS.

ACTION: Notice.

SUMMARY: This is notice, in accordance with 35 U.S.C. 209(c)(1) and 37 CFR 404.7(a)(1)(i), that the National Institutes of Health (NIH), Department of Health and Human Services, is contemplating the grant of an exclusive license worldwide to practice the invention embodied in: International Application PCT/US96/11478 and USPA SN 09/060,023 (CIP of the above), titled ''Transformation Associated Recombination (TAR) System in Yeast for Specific Cloning of DNAs as Yeast Artificial Chromosomes (YACs)'' to Genaissance Pharmaceuticals, Inc., having a place of business in New Haven, Connecticut. The United States of America is an assignee of the patent rights in this invention.

DATES: Only written comments and/or application for a license which are received by the NIH Office of Technology Transfer on or before May 24, 1999 will be considered.

ADDRESSES: Requests for a copy of the patent applications, inquiries, comments and other materials relating to the contemplated license should be directed to: L. Manja R. Blazer, Ph.D., Technology Licensing Specialist, Office of Technology Transfer, National Institutes of Health, 6011 Executive Boulevard, Suite 325, Rockville, MD 20852–3804; Telephone: (301) 496–7056, ext. 224; Facsimile: (301) 402–0220; e-mail: mb379e@nih.gov.

SUPPLEMENTARY INFORMATION: The TAR system enables the isolation of specific families of genes, individual genes and chromosome fragments as linear or circular YACs. The system provides enrichments that are orders of magnitude higher over previous reports. The circular YACs provide special opportunities for isolation and transfer of cloned material to other organisms. The system includes cloning with and without a yeast origin of replication on the TAR cloning vectors to assure opportunities to clone a wide range of DNAs.

The prospective exclusive license will be royalty bearing and will comply with the terms and conditions of 35 U.S.C. 209 and 37 CFR 404.7 and may be limited to the field of use of providing genomics services to alliance partners. The method and materials of this invention would be available from the NIH to third party organizations for internal research purposes. The prospective exclusive license may be granted unless, within 90 days from the date of this published Notice, NIH receives a written evidence and argument that establishes that the grant of the license would not be consistent with the requirements of 35 U.S.C. 209 and 37 CFR 404.7.

Properly filed competing applications for a license filed in response to this notice will be treated as objections to the contemplated license. Comments and objections submitted in response to this notice will not be made available for public inspection, and, to the extent permitted by law, will not be released under the Freedom of Information Act, 5 U.S.C. 552.

Dated: February 11, 1999.

Jack Spiegel,

Director, Division of Technology Development and Transfer, Office of Technology Transfer.

[FR Doc. 99–4306 Filed 2–19–99; 8:45 am]

BILLING CODE 4140–01–M

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

[Docket No. FR–4442–N–04]

Notice of Proposed Information Collection for Public Comment

AGENCY: Office of Policy Development and Research, HUD.

ACTION: Notice.

SUMMARY: The proposed information collection requirement described below will be submitted to the Office of Management and Budget (OMB) for review, as required by the Paperwork Reduction Act. The Department is soliciting public comments on the subject proposal.

DATES: Comments due: April 23, 1999.

ADDRESSES: Interested persons are invited to submit comments regarding this proposal. Comments should refer to the proposal by name and/or OMB Control Number and should be sent to: Reports Liaison Officer, Office of Policy Development and Research, Department of Housing and Urban Development, 451 7th Street, SW, Room 8226, Washington, DC 20410.

FOR FURTHER INFORMATION CONTACT: Garland E. Allen, Office of Policy Development and Research, Department of Housing and Urban Development, 451 7th Street, SW, Room 8140, Washington, DC 20410; telephone 202–708–3700, extension 5710 (this is not a toll free number). Copies of the proposed forms and other available documents to be submitted to OMB may be obtained from Mr. Allen.

SUPPLEMENTARY INFORMATION: The Department will submit the proposed information collection to OMB for review, as required by the Paperwork Reduction Act of 1995 (44 U.S.C. Chapter 35, as amended).

This notice is soliciting comments from members of the public and affecting agencies concerning the proposed collection of information to: (1) 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; (2) Evaluate the accuracy of the agency's estimate of the burden of proposed collection of information; (3) Enhance the quality, utility, and clarity of the information to be collected; and (4) Minimize the burden of the collection of information on those who are to respond, including through the use of appropriate automated collection techniques or other forms of information technology, e.g., permitting electronic submission of responses.

This Notice also lists the following information:

Title of Proposal: Case Study of Section 8 Rental Voucher and Rental Certificate Programs in Alameda County, California.

Description of the need for information and proposed use: The Department is conducting, under contract to the Center for Urban Policy Research at Rutgers University, a case study of the unusually high rate of movement by Section 8 recipients to Alameda County, particularly from the neighboring cities of Oakland and Berkeley, California. Using a case study methodology, the study will determine the neighborhood outcomes for recipients, the reasons for making the move and to document procedures employed by the three housing agencies in administering the Section 8 program which allowed such moves to occur.

Members of the affected public: A sample of Section 8 recipients will be interviewed.

Estimation of the total number of hours needed to prepare the information collection including number of respondents, frequency of response, and hours of response: The researchers will administer a one-time, telephone survey to 300 residents. The interviews are expected to last 30 minutes for a total burden estimate of 150 hours.

Status of the proposed information collection: Pending OMB approval.

Authority: Section 3506 of the Paperwork Reduction Act of 1995, 44 U.S.C. Chapter 35, as amended.

Dated: February 12, 1999.

Lawrence L. Thompson,

General Deputy Assistant Secretary for Policy Development and Research.

[FR Doc. 99–4283 Filed 2–19–99; 8:45 am]

BILLING CODE 4210–62–M

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

[Docket No. FR–4442–N–05]

Notice of Proposed Information Collection for Public Comment

AGENCY: Office of the Assistant Secretary for Policy Development and Research, HUD.

ACTION: Notice.

SUMMARY: The proposed information collection requirement described below will be submitted to the Office of Management and Budget (OMB) for review, as required by the Paperwork Reduction Act. The Department is

soliciting public comments on the subject proposal.

DATES: Comments are due April 23, 1999.

ADDRESSES: Interested persons are invited to submit comments regarding this proposal. Comments should refer to the proposal by name or OMB Control Number and be sent to: Reports Liaison Officer, Office of Policy Development and Research, U.S. Department of Housing and Urban Development, 451 7th Street, SW, Room 8226, Washington, DC 20410.

FOR FURTHER INFORMATION CONTACT: Jane Karadbil, Office of University Partnerships, Department of Housing and Urban Development, 451 7th Street, Washington, DC 20410; telephone (202) 708–1537 (this is not a toll-free number). Copies of the proposed forms and other available documents to be submitted to OMB may be obtained from Ms. Karadbil.

SUPPLEMENTARY INFORMATION: The Department will submit the proposed information collection to OMB for review, as required by the Paperwork Reduction Act of 1995 (44 U.S.C. Chapter 35, as amended).

This Notice is soliciting comments from members of the public and affected entities concerning the proposed information collection to: (1) 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; (2) Evaluate the accuracy of the agency's estimate of the burden of the proposed collection of information; (3) Enhance the quality, utility, and clarity of information to be collected; and (4) Minimize the burden of collection of information on those who are to respond; including through the use of appropriate technology, e.g., permitting electronic submission of responses. This Notice also lists the following information:

Title of the Proposal: Notice of Funding Availability and Application Kit for the Hispanic-serving Institutions Assisting Communities program (HSIAC).

Description of the need for the information and proposed use: The information is being collected to select grantees in this statutorily-created competitive grant program. The information is also being used to monitor the performance of grantees to ensure that they meet statutory and program goals and requirements.

Members of the affected public: Hispanic-serving institutions of higher education undertaking community development activities: 60 applicants and 16 grantees.

Estimation of the total number of hours needed to prepare the information collection including the number of respondents, frequency of response, and hours of response: Information pursuant to submitting applications will be submitted once. Information pursuant to grantee monitoring requirements will be semi-annually and at the completion of the grant.

The following chart details the respondent burden on an annual basis:

	Number of respondents	Total annual responses	Hours per response	Total hours
Application	60	60	80	4,800
Semi-annual Reports	16	32	16	512
Final Reports	16	16	16	256
Record-keeping	16	16	6	256
				5,824

Status of proposed information collection: OMB approved an emergency paperwork clearance for this information collection and assigned it OMB Control No. 2528–0198, expiration date June 30, 1999.

Authority: Section 3506 of the Paperwork Reduction Act of 1995, 44 U.S.C. Chapter 35, as amended.

Dated: February 12, 1999.

Lawrence L. Thompson,

General Deputy Assistant Secretary for Policy Development and Research.

[FR Doc. 99–4284 Filed 2–19–99; 8:45 am]

BILLING CODE 4210–62–M

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

[Docket No. FR–4442–N–03]

Notice of Proposed Information Collection for Public Comment

AGENCY: Office of the Assistant Secretary for Policy Development and Research, HUD.

ACTION: Notice.

SUMMARY: The proposed information collection requirement described below will be submitted to the Office of Management and Budget (OMB) for expedited review, as required by the Paperwork Reduction Act. The Department is soliciting public comments on the subject proposal.

DATES: Comments due: March 24, 1999.

ADDRESSES: Interested persons are invited to submit comments regarding this proposal. Comments should refer to the proposal by name or OMB Control Number and should be sent to: Reports Liaison Officer, Office of Policy Development and Research, Department of Housing and Urban Development, 451 7th Street, SW, Room 8226, Washington, DC 20410.

FOR FURTHER INFORMATION CONTACT: Joan Kraft, Office of Policy Development and Research, Department of Housing and Urban Development, 451 7th St., SW, Room 8154, Washington, D.C. 20410—telephone (202) 708–4504, Extension 5734 (this is not a toll-free number). Copies of the proposed forms and other available documents to be submitted to OMB may be obtained from Ms. Kraft.

SUPPLEMENTARY INFORMATION: The Department will submit the proposed information collection to OMB for review, as required by the Paperwork Reduction Act of 1995 (44 U.S.C. Chapter 35, as amended).

This Notice is soliciting comments from members of the public and affected agencies concerning the proposed collection of information to: (1) 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; (2) Evaluate the accuracy of the agency's estimate of the burden of the proposed collection of information; (3) Enhance the quality, utility, and clarity of the information to be collected; and (4) Minimize the burden of the collection of information on those who are to respond; including through the use of appropriate automated collection techniques or other forms of information technology, e.g., permitting electronic submission of responses.

The notice also lists the following information:

Title of Proposal: Extension of Canvass of Moving to Opportunity Families (OMB Clearance Number 2528–0189, Expires 4/99).

Description of the need for the information and proposed use: The information is being collected to continue this research demonstration and to fulfill the reporting requirements originally set by Congress, including the number of families served, short- and long-term effects of MTO program participation on families, cost comparison to regular Section 8 operations, and information on the types of counseling services provided. The forms are currently in use under OMB clearance number 2528–0189, expiration date April 1999. This request is for an extension of clearance, which is necessary to continue maintenance of the longitudinal panel for MTO, which is a 10-year research demonstration.

This data collection is being done to assist the Department in maintaining information on the demonstration population and in minimizing panel attrition, in order to examine the long-term effects of providing assistance to low-income families living in assisted housing to move out of the high poverty areas of central cities.

Members of affected public: Respondents for this continued data collection effort are families and their members who enrolled in the Moving to Opportunity Demonstration between July 1994 and July 1998. A total of 4,610 families enrolled in MTO during that period; it is estimated that 1,200 individuals will have left these families by the time of the 1999 canvass.

Estimation of the total number of hours needed to prepare the information collection including number of respondents, frequency of response, and hours of response:

We estimate 4,610 family respondents and up to 3,700 individual respondents (departed members of MTO households). See Exhibit 1 for details. The total burden through April 1999 (current approval period) was 756 hours. As proposed for the future, it will range from 1,099 hours in 1999 to 2,131 hours in 2002. However, a sampling approach to use of the long form may be taken in 2002 and would reduce the respondent burden for the last year.

ACTUAL RESPONDENT BURDEN THROUGH APRIL 1999

	First canvass of MTO families July–December 1997
Original Random Assignment Ratio	1,979
Other Enrolled Families	904
Total Sample	2,883
Actual Response Rate	91%
Sample by Form Type:	
Long Form	1,979
Short Form	904
Response Burden in Hours:	
Long Form @ 19 minutes per interview	572.2
Short Form @ 13 minutes per interview	183.7
Total Response Burden in Hours	755.9

ESTIMATED FUTURE RESPONDENT BURDEN: MTO CANVASS

	1999 MTO canvass	2001 MTO canvass	2002 MTO canvass
Total Enrolled Families	[a] 4,610	4,610	4,610
Total Departed Members	[b] 1,321	2,947	3,685
Total Sample	5,931	7,557	8,295
Expected Response Rate:			
Families	90%	90%	90%
Members	70%	70%	70%
Sample by Form Type:			
Long Form	0	0	[c] 8,295
Short Form	5,931	7,557	0
Response Burden in Hours:			
Long Form @ 19 minutes per interview	0	0	2,131
Short Form @ 13 minutes per interview	1,099	1,346	0

[a] Full MTO program population.
[b] The number of departed members is estimated based on data from 1997 canvass. Departed members are cumulative across years.
[c] With OMB approval the long form will be adapted for the members as well.

Status of the proposed information collection: Ongoing under existing approval through April 1999, and continued pending extended OMB approval through December 2002.

Authority: Section 3506 of the Paperwork Reduction Act of 1995, 44 U.S.C. Chapter 35, as amended.

Dated: February 5, 1999.

Lawrence L. Thompson,

General Deputy Assistant Secretary for Policy Development and Research.

[FR Doc. 99–4282 Filed 2–19–99; 8:45 am]

BILLING CODE 4210–62–M

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

[Docket No. FR–4441–N–16]

Submission for OMB Review: Comment Request

AGENCY: Office of the Assistant Secretary for Administration, HUD.

ACTION: Notice.

SUMMARY: The proposed information collection requirement described below has been submitted to the Office of Management and Budget (OMB) for review, as required by the Paperwork Reduction Act. The Department is soliciting public comments on the subject proposal.

DATES: *Comments due date:* March 24, 1999.

ADDRESSES: Interested persons are invited to submit comments regarding this proposal. Comments must be received within thirty (30) days from the date of this Notice. Comments should refer to the proposal by name and/or OMB approval number and should be sent to: Joseph F. Lackey, Jr., OMB Desk Officer, Office of Management and Budget, Room 10235, New Executive Office Building, Washington, DC 20503.

FOR FURTHER INFORMATION CONTACT: Wayne Eddins, Reports Management Officer, Department of Housing and Urban Development, 451 7th Street, Southwest, Washington, DC 20410, telephone (202) 708–1305. This is not a toll-free number. Copies of the proposed forms and other available documents submitted to OMB may be obtained from Mr. Eddins.

SUPPLEMENTARY INFORMATION: The Department has submitted the proposal for the collection of information, as described below, to OMB for review, as required by the Paperwork Reduction Act (44 U.S.C. Chapter 35).

The Notice lists the following information: (1) the title of the information collection proposal; (2) the office of the agency to collect the information; (3) the OMB approval number, if applicable; (4) the description of the need for the information and its proposed use; (5) the agency form number, if applicable; (6) what members of the public will be affected by the proposal; (7) how frequently information submissions will be required; (8) an estimate of the total number of hours needed to prepare the information submission including number of respondents, frequency of response, and hours of response; (9) whether the proposal is new, an extension, reinstatement, or revision of an information collection requirement; and (10) the names and telephone numbers of an agency official familiar with the proposal and of the OMB Desk Officer for the Department.

Authority: Section 3507 of the Paperwork Reduction Act of 1995, 44 U.S.C. 35, as amended.

Dated: February 12, 1999.

David S. Cristy,

Director, IRM Policy and Management Division.

Title of Proposal: Base Closure Community Redevelopment and Homeless Assistance.

Office: Community Planning and Development.

OMB Approval Number: 2506–0154.

Description of the Need for the Information and Its Proposed Use: This final rule implements the Base Closure Community Redevelopment and Homeless Assistance Act. The rule describes the roles and responsibilities in planning and implementing the reuse of domestic military installations that are approved for closure or realignment.

Form Number: None.

Respondents: State, Local, or Tribal Government and Not-For-Profit Institutions.

Frequency of Submission: On Occasion.

Reporting Burden:

	Number of respondents	x	Frequency of response	x	Hours per response	=	Burden hours
Information Collection	45		1		440		19,800
Resubmissions	2		1		60		120

Total Estimated Burden Hours: 19,920.

Status: Reinstatement with changes.

Contact: Raymond Sherry, HUD, (202) 708–1480 x4424; Joseph F. Lackey, Jr., OMB, (202) 395–7316.

Dated: February 12, 1999.

[FR Doc. 99–4285 Filed 2–19–99; 8:45 am]

BILLING CODE 4210–01–M

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

[Docket No. FR–4432–N–07]

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; TTY 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, U.S. Army Center for Public Works, Installation Support Center, Facilities Management, 7701 Telegraph Road, Alexandria, VA 22315–3862; (703) 428–6318; (These are not toll-free numbers).

Dated: February 12, 1999.

Joseph A. D'Agosta,

General Deputy Assistant Secretary.

TITLE V, FEDERAL SURPLUS PROPERTY PROGRAM FEDERAL REGISTER REPORT FOR 2/19/99

Suitable/Available Properties

Buildings (by State)

Alabama

Bldg. 60101
Shell Army Heliport
Ft. Rucker Co: Dale AL 36362–5000
Landholding Agency: Army
Property Number: 21199520152
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: 21199520154
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: 21199520155
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: 21199520156
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: 21199620662
Status: Unutilized
Comment: #2802=13,082 sq. ft., #2805=13,082 sq. ft., most recent use—admin., needs repair, off-site use only.

Bldg. 172
Anniston Army Depot
Anniston AL 36201–
Landholding Agency: Army
Property Number: 21199840125
Status: Unutilized
Comment: 5895 sq. ft., needs rehab, most recent use—demolition shop, off-site use only.

Bldg. 88
Anniston Army Depot
Anniston AL 36201–
Landholding Agency: Army
Property Number: 21199840126
Status: Unutilized
Comment: 5360 sq. ft., needs rehab, most recent use—renovation shop, off-site use only.

Alaska

Bldgs. 420, 422, 426, 430
Fort Richardson
Anchorage AK 99505–6500
Landholding Agency: Army
Property Number: 21199740276
Status: Excess
Comment: 13,056 sq. ft., presence of asbestos/lead paint, most recent use—family housing, off-site use only.

Bldg. 220
Fort Richardson
Ft. Richardson AK 99505–6500
Landholding Agency: Army
Property Number: 21199810244
Status: Excess
Comment: 13,056 sq. ft., presence of asbestos/lead paint, most recent use—housing, off-site use only.

Suitable/Available Properties

Buildings (by State)

Alaska

Bldg. 226
Fort Richardson
Ft. Richardson AK 99505–6500
Landholding Agency: Army
Property Number: 21199810245
Status: Excess
Comment: 13,056 sq. ft., presence of asbestos/lead paint, most recent use—housing, off-site use only.

Bldg. 283
Fort Richardson
Ft. Richardson AK 99505–6500
Landholding Agency: Army
Property Number: 21199810250
Status: Excess
Comment: 13,056 sq. ft., presence of asbestos/lead paint, most recent use—housing, off-site use only.

Arizona

Bldg. 30012, Fort Huachuca
Sierra Vista Co: Cochise AZ 85635–
Landholding Agency: Army
Property Number: 21199310298
Status: Excess
Comment: 237 sq. ft., 1-story block, most recent use—storage.

Suitable/Available Properties

Buildings (by State)

Arizona

Bldg. S–306
Yuma Proving Ground
Yuma Co: Yuma/La Paz AZ 85365–9104
Landholding Agency: Army
Property Number: 21199420346
Status: Unutilized
Comment: 4103 sq. ft., 2-story, needs major rehab, scheduled to be vacated on or about 2/95.

Bldg. 503
Yuma Proving Ground
Yuma Co: Yuma AZ 85365–9104
Landholding Agency: Army
Property Number: 21199520073
Status: Unutilized
Comment: 3789 sq. ft., 2-story, major structural changes required to meet floor loading & fire code requirements, presence of asbestos.

13 Bldgs.
Fort Huachuca
Sierra Vista Co: Cochise AZ 85635–

Location: 15545, 22412, 22531, 30120, 30123, 70916, 71915, 71917, 71918, 71920, 72914, 72915, 72917
Landholding Agency: Army
Property Number: 21199840127
Status: Excess
Comment: various sq ft., presence of asbestos/lead paint, most recent use—storage/office/training, off-site use only.

8 Bldgs.
Fort Huachuca
Sierra Vista Co: Cochise AZ 85635–
Location: 46708, 46709, 46710, 44102, 44101, 44124, 44125, 44210
Landholding Agency: Army
Property Number: 21199840129
Status: Excess
Comment: various sq. ft. & bdrm units, presence of asbestos/lead paint, most recent use—family housing, off-site use only.

California

Bldg. 4282
Presidio of Monterey Annex
Seaside Co: Monterey CA 93944–
Landholding Agency: Army
Property Number: 21199810378
Status: Unutilized
Comment: 2283 sq. ft., presence of asbestos/lead paint, most recent use—office.

Bldg. 4461
Presidio of Monterey Annex
Seaside Co: Monterey CA 93944–
Landholding Agency: Army
Property Number: 21199810379
Status: Unutilized
Comment: 992 sq. ft., presence of asbestos/lead paint, most recent use—storage.

Suitable/Available Properties

Buildings (by State)

Colorado

Bldg. P–1008
Fort Carson
Ft. Carson Co: El Paso CO 80913–5023
Landholding Agency: Army
Property Number: 21199630127
Status: Unutilized
Comment: 3362 sq. ft., fair condition, possible asbestos/lead based paint, most recent use—service outlet, off-site use only.

Bldg. P–1007
Fort Carson
Ft. Carson Co: El Paso CO 80913–
Landholding Agency: Army
Property Number: 21199730210
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: 21199730211
Status: Unutilized
Comment: 13,364 sq. ft., possible asbestos/lead paint, most recent use—instruction bldg.

Bldg. T–6005
Fort Carson
Ft. Carson Co: El Paso CO 80913–
Landholding Agency: Army
Property Number: 21199730213
Status: Unutilized
Comment: 19,015 sq. ft., possible asbestos/lead paint, most recent use—warehouse.

Georgia

Bldg. 5390
Fort Benning Co: Muscogee GA 31905–
Landholding Agency: Army
Property Number: 21199010137
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: 21199010147
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: 21199010151
Status: Unutilized
Comment: 2432 sq. ft.; most recent use—dining room; needs rehab.

Bldg. 5291
Fort Benning Co: Muscogee GA 31905–
Landholding Agency: Army
Property Number: 21199010152
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: 21199011681
Status: Unutilized
Comment: 1868 sq. ft.; most recent use—telephone exchange bldg.; needs substantial rehabilitation; 1 floor.

Bldg. 3400
Fort Benning
Fort Benning Co: Muscogee GA 31905–
Landholding Agency: Army
Property Number: 21199011694
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: 21199011704
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: 21199011709
Status: Unutilized
Comment: 336 sq. ft.; most recent use—inflamable materials storage; needs substantial rehabilitation; 1 floor.

Bldg. 4089
Fort Benning
Fort Benning Co: Muscogee GA 31905–
Landholding Agency: Army
Property Number: 21199011710
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: 21199014887
Status: Unutilized
Comment: 9367 sq. ft.; 1 story building; needs rehab; most recent use—General Storehouse.

Bldg. 1236
Fort Benning
Fort Benning Co: Muscogee GA 31905–
Landholding Agency: Army
Property Number: 21199014888
Status: Unutilized
Comment: 9367 sq. ft.; 1 story building; needs rehab; most recent use—General Storehouse.

Bldg. 4491
Fort Benning
Fort Benning Co: Muscogee GA 31905–
Landholding Agency: Army
Property Number: 21199014916
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: 21199120258
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: 21199120266
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: 21199220688
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: 21199220689
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: 21199220694
Status: Unutilized
Comment: 583 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: 21199220699
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: 21199220703
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: 21199220707
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: 21199220710
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: 21199220712
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: 21199220715
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: 21199220727
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: 21199220728
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: 21199220734
Status: Unutilized
Comment: 10944 sq. ft., 1 story, most recent use—general instruction bldg., needs major rehab, off-site removal only.

Bldg. 4977, Fort Benning
Ft. Benning Co: Muscogee GA 31905–
Landholding Agency: Army
Property Number: 21199220736
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: 21199220747
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: 21199220752
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: 21199220753
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: 21199220755
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: 21199220758
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: 21199220762
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: 21199220763
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: 21199220764
Status: Unutilized
Comment: 2000 sq. ft., 1 story, most recent use—headquarters bldg., need repairs, off-site removal only.

Bldg. 4883, Fort Benning
Ft. Benning Co: Muscogee GA 31905–
Landholding Agency: Army
Property Number: 21199220768
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: 21199220769
Status: Unutilized
Comment: 7713 sq. ft., 1 story, most recent use—supply bldg., need repairs, off-site removal only.

Bldg. 2589, Fort Benning
Ft. Benning Co: Muscogee GA 31905–
Landholding Agency: Army
Property Number: 21199220772
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: 21199220779
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: 21199220780
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: 21199310418
Status: Unutilized
Comment: 4720 sq. ft., 2-story, needs rehab, most recent use—barracks, off-site removal only.

Bldg. 3072, Fort Benning
Ft. Benning Co: Muscogee GA 31905–
Landholding Agency: Army
Property Number: 21199310447
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: 21199310451
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: 21199310461
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: 21199310462
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: 21199310465
Status: Unutilized
Comment: 4406 sq. ft., 1-story, needs rehab, most recent use—admin. off-site use only.

Bldg. 354, Fort Gordon
Ft. Gordon Co: Richmond GA 30905–
Landholding Agency: Army
Property Number: 21199330259
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: 21199330260
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: 21199330261
Status: Unutilized
Comment: 4237 sq. ft., 1-story wood, possible termite damage needs repair, most recent use—offices, off-site use only.

Bldg. 332, Fort Gordon
Ft. Gordon Co: Richmond GA 30905–
Landholding Agency: Army
Property Number: 21199330289
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: 21199330290
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. 10501
Fort Gordon
Fort Gordon Co: Richmond GA 30905–
Landholding Agency: Army
Property Number: 21199410264
Status: Unutilized
Comment: 2516 sq. ft.; 1 story; wood; needs rehab.; most recent use—office; off-site use only.

Bldg. 11813
Fort Gordon
Fort Gordon Co: Richmond GA 30905–
Landholding Agency: Army
Property Number: 21199410269
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: 21199410270
Status: Unutilized
Comment: 85 sq. ft.; 1 story; needs rehab.; most recent use—storage; off-site use only.

Bldg. 12809
Fort Gordon
Fort Gordon Co: Richmond GA 30905–
Landholding Agency: Army
Property Number: 21199410272
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: 21199410273
Status: Unutilized
Comment: 195 sq. ft.; 1 story; wood; most recent use—oil storage shed; off-site use only.

Bldg. 2814, Fort Benning
Ft. Benning Co: Muscogee GA 31905–
Landholding Agency: Army
Property Number: 21199520133
Status: Unutilized
Comment: 40536 sq. ft., 4-story, most recent use—barracks w/dining, needs major repair, off-site use only.

Bldg. 4051, Fort Benning
Ft. Benning Co: Muscogee GA 31905–
Landholding Agency: Army
Property Number: 21199520175
Status: Unutilized
Comment: 967 sq. ft., 1-story, needs rehab, most recent use—storage, off-site use only.

Bldg. 2141
Fort Gordon
Ft. Gordon Co: Richmond GA 30905–
Landholding Agency: Army
Property Number: 21199610655
Status: Unutilized
Comment: 2283 sq. ft., needs repair, most recent use—office, off-site use only.

Bldg. T–293
Fort Stewart
Hinesville Co: Liberty GA 31314–
Landholding Agency: Army
Property Number: 21199710230
Status: Excess
Comment: 5220 sq. ft., most recent use—admin., needs major repairs, off-site use only.

Bldg. 239
Fort Benning
Ft. Benning Co: Muscogee GA 31905–
Landholding Agency: Army
Property Number: 21199720155
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: 21199720156
Status: Unutilized
Comment: 9600 sq. ft., needs rehab, most recent use—admin., off-site use only.

Bldg. 1737
Fort Benning
Ft. Benning Co: Muscogee GA 31905–
Landholding Agency: Army
Property Number: 21199720161
Status: Unutilized
Comment: 1500 sq. ft., needs rehab, most recent use—storage, off-site use only.

Bldg. 2592
Fort Benning
Ft. Benning Co: Muscogee GA 31905–
Landholding Agency: Army
Property Number: 21199720166
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: 21199720167
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: 21199720168
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: 21199720169
Status: Unutilized
Comment: approx. 1100 sq. ft., needs rehab, most recent use—shower fac., off-site use only.

Bldg. 4476
Fort Benning
Ft. Benning Co: Muscogee GA 31905–
Landholding Agency: Army
Property Number: 21199720184
Status: Unutilized
Comment: 3148 sq. ft., needs rehab, most recent use—vehicle maint. shop, 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: 21199720189
Status: Unutilized
Comment: 6433 sq. ft. each, needs rehab, most recent use—unaccompanied personnel housing, off-site use only.

Bldg. 4714
Fort Benning
Ft. Benning Co: Muscogee GA 31905–
Landholding Agency: Army
Property Number: 21199720191
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: 21199720192
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: 21199720193
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: 21199730218
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: 21199730219
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: 21199730220
Status: Unutilized
Comment: 240 sq. ft. poor condition, most recent use—plant bldg., off-site use only.

Bldg. T–286
Fort Stewart
Hinesville Co: Liberty GA 31314–
Landholding Agency: Army
Property Number: 21199810261
Status: Excess
Comment: 5310 sq. ft., poor condition, most recent use—admin., off-site use only.

Bldg. P–9597
Fort Stewart
Hinesville Co: Liberty GA 31314–
Landholding Agency: Army
Property Number: 21199810263
Status: Excess
Comment: 324 sq. ft., poor condition, most recent use—storage, off-site use only.

Bldg. 123
Fort Benning
Ft. Benning Co: Muscogee GA 31905–
Landholding Agency: Army
Property Number: 21199810265
Status: unutilized
Comment: 3590 sq. ft., most recent use—admin., off-site use only.

Bldg. 124
Fort Benning
Ft. Benning Co: Muscogee GA 31905–
Landholding Agency: Army
Property Number: 21199810266
Status: unutilized
Comment: 227 sq. ft., most recent use—access control, off-site use only.

Bldg. 214
Fort Benning
Ft. Benning Co: Muscogee GA 31905–
Landholding Agency: Army
Property Number: 21199810267
Status: unutilized
Comment: 26,268 sq. ft., most recent use—confinement facility, off-site use only.

Bldg. 305
Fort Benning
Ft. Benning Co: Muscogee GA 31905–
Landholding Agency: Army
Property Number: 21199810268
Status: unutilized
Comment: 4083 sq. ft., most recent use—recreation center, off-site use only.

Bldg. 318
Fort Benning
Ft. Benning Co: Muscogee GA 31905–
Landholding Agency: Army
Property Number: 21199810269
Status: unutilized
Comment: 374 sq. ft., poor condition, most recent use—maint. shop, off-site use only.

Bldg. 1792
Fort Benning
Ft. Benning Co: Muscogee GA 31905–
Landholding Agency: Army
Property Number: 21199810274
Status: unutilized
Comment: 10,200 sq. ft., most recent use—storage, off-site use only.

Bldg. 1796
Fort Benning
Ft. Benning Co: Muscogee GA 31905–
Landholding Agency: Army
Property Number: 21199810275
Status: unutilized
Comment: 5071 sq. ft., most recent use—recreation, off-site use only.

Bldg. 1836
Fort Benning
Ft. Benning Co: Muscogee GA 31905–
Landholding Agency: Army
Property Number: 21199810276
Status: unutilized
Comment: 2998 sq. ft., most recent use—admin., off-site use only.

Bldg. 4373
Fort Benning
Ft. Benning Co: Muscogee GA 31905–
Landholding Agency: Army
Property Number: 21199810286
Status: unutilized
Comment: 409 sq. ft., poor condition, most recent use—station bldg. off-site use only.

Suitable/Available Properties

Buildings (by State)

Georgia

Bldg. 4628
Fort Benning
Ft. Benning Co: Muscogee GA 31905–
Landholding Agency: Army
Property Number: 21199810287
Status: Unutilized
Comment: 5483 sq. ft., most recent use—admin., off-site use only.

Bldg. T–801
Hunter Army Airfield
Savannah Co: Chatham GA 31409–
Landholding Agency: Army
Property Number: 21199820145
Status: Unutilized
Comment: 4660 sq. ft., needs major rehab, most recent use—armory, off-site use only.

Bldg. T–807
Hunter Army Airfield
Savannah Co: Chatham GA 31409–
Landholding Agency: Army
Property Number: 21199820146
Status: Unutilized
Comment: 4660 sq. ft., needs major rehab, most recent use—hdqts. bldg., off-site use only.

Bldg. T–809
Hunter Army Airfield
Savannah Co: Chatham GA 31409–
Landholding Agency: Army
Property Number: 21199820147
Status: Unutilized
Comment: 6461 sq. ft., needs major rehab, most recent use—hdqts. bldg., off-site use only.

Bldg. 92
Fort Benning
Co: Muscogee GA 31905–
Landholding Agency: Army
Property Number: 21199830278
Status: Unutilized
Comment: 637 sq. ft., needs rehab, most recent use—admin., off-site use only.

Bldg. 2445
Fort Benning
Co: Muscogee GA 31905–
Landholding Agency: Army
Property Number: 21199830279
Status: Unutilized
Comment: 2385 sq. ft., needs rehab, most recent use—fire station, off-site use only.

Bldgs. 333, 1702, 2588
Fort Benning
Co: Muscogee GA 31905–
Landholding Agency: Army
Property Number: 21199830282
Status: Unutilized
Comment: various sq. ft., needs rehab, most recent use—storage, off-site use only.

Bldg. 1731
Fort Benning
Co: Muscogee GA 31905–
Landholding Agency: Army
Property Number: 21199830285
Status: Unutilized
Comment: 1992 sq. ft., needs rehab, most recent use—repair shop, off-site use only.

Bldg. 2282
Fort Benning
Co: Muscogee GA 31905–
Landholding Agency: Army
Property Number: 21199830288
Status: Unutilized
Comment: 3000 sq. ft., needs rehab, most recent use—operations, off-site use only.

Bldgs. 1743, 1744
Fort Benning
Fort Benning Co: Muscogee GA 31905–
Landholding Agency: Army
Property Number: 21199830290
Status: Unutilized
Comment: 7473 sq. ft., needs rehab, most recent use—storage, off-site use only.

Bldg. 4232
Fort Benning
Fort Benning Co: Muscogee GA 31905–
Landholding Agency: Army
Property Number: 21199830291
Status: Unutilized
Comment: 3720 sq. ft., needs rehab, most recent use—maint. bay, off-site use only.

Bldg. 2403
Fort Benning
Fort Benning Co: Muscogee GA 31905–
Landholding Agency: Army
Property Number: 21199830292
Status: Unutilized
Comment: 44,352 sq. ft., needs rehab, most recent use—maint. hangar, off-site use only.

Bldg. 3763
Fort Benning
Fort Benning Co: Muscogee GA 31905–
Landholding Agency: Army
Property Number: 21199830294
Status: Unutilized
Comment: 1841 sq. ft., needs rehab, most recent use—exch. auto svc., off-site use only.

Bldg. 5085
Fort Benning
Fort Benning Co: Muscogee GA 31905–
Landholding Agency: Army
Property Number: 21199830297
Status: Unutilized
Comment: 192 sq. ft., needs rehab, most recent use—fuel/pol bldgs., off-site use only.

Bldg. 5347
Fort Benning
Fort Benning Co: Muscogee GA 31905–
Landholding Agency: Army
Property Number: 21199830298
Status: Unutilized
Comment: 11,020 sq. ft., needs rehab, most recent use—maint. bldg., off-site use only.

Bldg. 9103
Fort Benning
Fort Benning Co: Muscogee GA 31905–
Landholding Agency: Army
Property Number: 21199830301
Status: Unutilized
Comment: 3378 sq. ft., needs rehab, most recent use—veh. maint. shop, off-site use only.

Bldg. T–288
Fort Stewart
Hinesville Co: Liberty GA 31314–
Landholding Agency: Army
Property Number: 21199840130
Status: Excess
Comment: 2500 sq. ft., poor condition, most recent use—MP Station, off-site use only.

Bldg. T–291
Fort Stewart
Hinesville Co: Liberty GA 31314–
Landholding Agency: Army
Property Number: 21199840131
Status: Excess
Comment: 5220 sq. ft., poor condition, most recent use—MP station, off-site use only.

Bldg. T–292
Fort Stewart
Hinesville Co: Liberty GA 31314–
Landholding Agency: Army
Property Number: 21199840132
Status: Excess
Comment: 5220 sq. ft., poor condition, most recent use—MP station, off-site use only.

Bldg. 294
Fort Stewart
Hinesville Co: Liberty GA 31314–
Landholding Agency: Army
Property Number: 21199840133
Status: Excess
Comment: 5220 sq. ft., poor condition, most recent use—admin., 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: 21199030324
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. T–675A
Schofield Barracks
Wahiawa HI 96786–
Landholding Agency: Army
Property Number: 21199640202
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: 21199640203
Status: Unutilized
Comment: 132 sq. ft., most recent use—storage, off-site use only.

Illinois

Bldg. 54
Rock Island Arsenal
Rock Island Co: Rock Island IL 61299–
Landholding Agency: Army
Property Number: 21199620666
Status: Unutilized
Comment: 2000 sq. ft., most recent use—oil storage, needs repair, off-site use only.

Iowa

Bldg. 46
Des Moines Reserve Complex
Des Moines Co: Polk IA 50315–5899
Landholding Agency: Army
Property Number: 21199840135
Status: Unutilized
Comment: 20,944, sq. ft., presence of asbestos/lead paint, most recent use—officer quarters/admin., historical/National Register.

Bldg. 49
Des Moines Reserve Complex
Des Moines Co: Polk IA 50315–5899
Landholding Agency: Army
Property Number: 21199840136
Status: Underutilized
Comment: 2100 sq. ft. most recent use—chapel, historical/National Register.

Kansas

Bldg. 166, Fort Riley
Ft. Riley Co: Geary KS 66442–
Landholding Agency: Army
Property Number: 21199410325
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: 21199430146
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: 21199620668
Status: Unutilized
Comment: 6222 sq. ft., most recent use—admin. bldg., needs repair, possible asbestos.

Bldg. S–404
Fort Leavenworth
Leavenworth KS 66027–
Landholding Agency: Army
Property Number: 21199730235
Status: Unutilized
Comment: 4795 sq. ft., possible asbestos/lead paint, most recent use—hospital clinic, off-site use only.

Bldg. P–390
Fort Leavenworth
Leavenworth KS 66027–
Landholding Agency: Army
Property Number: 21199740295
Status: Unutilized
Comment: 4713 sq. ft., presence of lead based paint, most recent use—swine house, off-site use only.

Bldg. P–63
Fort Leavenworth
Leavenworth Co: Leavenworth KS 66027–
Landholding Agency: Army
Property Number: 21199810295
Status: Unutilized
Comment: 9376 sq. ft., concrete, possible asbestos/lead paint, most recent use—storage, off-site use only.

Bldg. T–323
Fort Laevenworth
Leavenworth Co: Leavenworth KS 66027–
Landholding Agency: Army
Property Number: 21199810297
Status: Unutilized
Comment: 720 sq. ft., most recent use—boy scout bldg., off-site use only.

Bldg. T–688
Fort Leavenworth
Leavenworth Co: Leavenworth KS 66027–
Landholding Agency: Army
Property Number: 21199810298
Status: Unutilized
Comment: 832 sq. ft., possible lead paint, most recent use—girl scout bldg., off-site use only.

Bldg. T–895
Fort Leavenworth
Leavenworth Co: Leavenworth KS 66027–
Landholding Agency: Army
Property Number: 21199810299
Status: Unutilized
Comment: 228 sq. ft., possible lead paint, most recent use—storage, off-site use only.

Bldg. P–1032
Fort Leavenworth
Leavenworth Co: Leavenworth KS 66027–
Landholding Agency: Army
Property Number: 21199810300
Status: Unutilized
Comment: 728 sq. ft., most recent use—dog kennel, off-site use only.

Bldg. P–68
Fort Leavenworth
Leavenworth KS 66027–
Landholding Agency: Army
Property Number: 21199820153
Status: Unutilized
Comment: 2236 sq. ft., most recent use—vehicle storage, off-site use only.

Bldg. P–69
Fort Leavenworth
Leavenworth KS 66027–
Landholding Agency: Army
Property Number: 21199820154
Status: Unutilized
Comment: 224 sq. ft., most recent use—storage, off-site use only.

Bldg. P–93
Fort Leavenworth
Leavenworth KS 66027–
Landholding Agency: Army
Property Number: 21199820155
Status: Unutilized
Comment: 63 sq. ft., concrete, most recent use—storage, off-site use only.

Bldg. P–128
Fort Leavenworth
Leavenworth KS 66027–
Landholding Agency: Army
Property Number: 21199820156
Status: Unutilized
Comment: 79 sq. ft., concrete, most recent use—storage, off-site use only.

Bldg. P–321
Fort Leavenworth
Leavenworth KS 66027–
Landholding Agency: Army
Property Number: 21199820157
Status: Unutilized
Comment: 600 sq. ft., most recent use—picnic shelter, off-site use only.

Bldg. P–347
Fort Leavenworth
Leavenworth KS 66027–
Landholding Agency: Army
Property Number: 21199820158
Status: Unutilized
Comment: 2135 sq. ft., most recent use—bath house, off-site use only.

Bldg. P–397
Fort Leavenworth
Leavenworth KS 66027–
Landholding Agency: Army
Property Number: 21199820159
Status: Unutilized
Comment: 80 sq. ft., most recent use—storage, off-site use only.

Bldg. S–809
Fort Leavenworth
Leavenworth KS 66027–
Landholding Agency: Army
Property Number: 21199820160
Status: Unutilized
Comment: 39 sq. ft., most recent use—access control, off-site use only.

Bldg. S–830
Fort Leavenworth
Leavenworth KS 66027–
Landholding Agency: Army
Property Number: 21199820161
Status: Unutilized
Comment: 5789 sq. ft., most recent use—underground storage, off-site use only.

Bldg. S–831
Fort Leavenworth
Leavenworth KS 66027–
Landholding Agency: Army
Property Number: 21199820162
Status: Unutilized
Comment: 5789 sq. ft., most recent use—underground storage, off-site use only.

Bldg. T–2360
Fort Riley
Ft. Riley KS
Landholding Agency: Army
Property Number: 21199830310
Status: Unutilized
Comment: 4534 sq. ft., needs major rehab, most recent use—aces. fac.

Bldgs. P–104, P–105, P–106
Fort Leavenworth
Leavenworth KS 66027–
Landholding Agency: Army
Property Number: 21199830313
Status: Unutilized
Comment: 81 sq. ft., most recent use—storage, off-site use only.

Bldg. P–108
Fort Leavenworth
Leavenworth KS 66027–
Landholding Agency: Army
Property Number: 21199830314
Status: Unutilized
Comment: 138 sq. ft., most recent use—storage, off-site use only.

Bldg. P–147
Fort Leavenworth
Leavenworth KS 66027–
Landholding Agency: Army
Property Number: 21199830315
Status: Unutilized
Comment: 378 sq. ft., most recent use—storage, off-site use only.

Bldg. P–163, P–169
Fort Leavenworth
Leavenworth KS 66027–
Landholding Agency: Army
Property Number: 21199830316
Status: Unutilized
Comment: 87 sq. ft., most recent use—storage, off-site use only.

Bldg. P–164
Fort Leavenworth
Leavenworth KS 66027–
Landholding Agency: Army
Property Number: 21199830317
Status: Unutilized
Comment: 145 sq. ft., most recent use—storage, off-site use only.

Bldg. P–171
Fort Leavenworth
Leavenworth KS 66027–
Landholding Agency: Army
Property Number: 21199830318
Status: Unutilized
Comment: 144 sq. ft., most recent use—storage, off-site use only.

Bldg. P–172
Fort Leavenworth
Leavenworth KS 66027–
Landholding Agency: Army
Property Number: 21199830319
Status: Unutilized
Comment: 87 sq. ft., most recent use—storage, off-site use only.

Bldgs. P–173, P–174
Fort Leavenworth
Leavenworth KS 66027–
Landholding Agency: Army
Property Number: 21199830320
Status: Unutilized
Comment: 120 sq. ft., most recent use—storage, off-site use only.

Bldg. P–243
Fort Leavenworth
Leavenworth KS 66027–
Landholding Agency: Army
Property Number: 21199830321
Status: Unutilized
Comment: 242 sq. ft., most recent use—industrial, off-site use only.

Louisiana

Bldg. 8405, Fort Polk
Ft. Polk Co: Vernon Parish LA 71459–
Landholding Agency: Army
Property Number: 21199640524
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: 21199640525
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: 21199640526
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: 21199640527
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: 21199640528
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: 21199640529
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: 21199640530
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: 21199640531
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: 21199640532
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: 21199640533
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: 21199640534
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: 21199640535
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: 21199640536
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: 21199640537
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: 21199640538
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: 21199640539
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: 21199640540
Status: Underutilized
Comment: 2093 sq. ft., most recent use—admin.

Bldg. 8458, Fort Polk
Ft. Polk Co: Vernon Parish LA 71459–
Landholding Agency: Army
Property Number: 21199640542
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: 21199640543
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: 21199640544
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: 21199640545
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: 21199640546
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: 21199640547
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: 21199640548
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: 21199640549
Status: Underutilized
Comment: 1029 sq. ft., most recent use—office.

Bldg, 8541, Fort Polk
Ft. Polk Co: Vernon Parish LA 71459–
Landholding Agency: Army
Property Number: 21199640551
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: 21199640552
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: 21199640553
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: 21199640554
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: 21199640555
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: 21199640556
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: 21199640557
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: 21199640558
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: 21199640559
Status: Underutilized
Comment: 4172 sq. ft., most recent use—barracks.

Maryland

Bldg. 370
Fort Meade
Ft. Meade Co: Anne Arundel MD 20755–5115
Landholding Agency: Army
Property Number: 21199730256
Status: Unutilized
Comment: 19,583 sq. ft., most recent use—NCO club, possible asbestos/lead paint.

Bldg. 4039
Aberdeen Proving Ground
Co: Harford MD 21005–5001
Landholding Agency: Army
Property Number: 21199740304
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: 21199740305
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: 21199740306
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: 21199740307
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: 21199740308
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: 21199740309
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: 21199740351
Status: Unutilized
Comment: 2208 sq. ft., presence of asbestos/lead paint, most recent use—lab, off-site use only.

Bldg. 6294
Fort Meade
Ft. Meade Co: Anne Arundel MD 20755–5115
Landholding Agency: Army
Property Number: 21199810302
Status: Unutilized
Comment: 4720 sq. ft., needs rehab, presence of asbestos/lead paint, most recent use—custodial, off-site use only.

Bldg. 3176
Fort Meade
Ft. Meade Co: Anne Arundel MD 20755–5115
Landholding Agency: Army
Property Number: 21199810303
Status: Unutilized
Comment: 7670 sq. ft., needs rehab, presence of asbestos/lead paint, most recent use—admin., off-site use only.

Bldg. 0036A
Aberdeen Proving Ground
Co: Harford MD 21005–5001
Landholding Agency: Army
Property Number: 21199830322
Status: Unutilized
Comment: 149 sq. ft., presence of asbestos/lead paint, most recent use—storage.

Bldg. E5813
Aberdeen Proving Ground
Co: Harford MD 21005–5001
Landholding Agency: Army
Property Number: 21199830326
Status: Unutilized
Comment: 69 sq. ft., presence of asbestos/lead paint, most recent use—storage.

Bldg. 39
Aberdeen Proving Ground
Co: Harford MD 21005–5001
Landholding Agency: Army
Property Number: 21199840137
Status: Unutilized
Comment: 2791 sq. ft., presence of asbestos/lead paint, most recent use—housing, off-site use only.

Bldg. 0459E
Aberdeen Proving Ground
Co: Harford MD 21005–5001
Landholding Agency: Army
Property Number: 21199840138
Status: Unutilized
Comment: 320 sq. ft., poor condition, presence of asbestos/lead paint, most recent use—storage, off-site use only.

Bldg. 1102B
Aberdeen Proving Ground
Co: Harford MD 21005–5001
Landholding Agency: Army
Property Number: 21199840139
Status: Unutilized
Comment: 1600 sq. ft., presence of asbestos/lead paint, most recent use—admin., off-site use only.

Bldg. E1455
Aberdeen Proving Ground
Co: Harford MD 21005–5001
Landholding Agency: Army
Property Number: 21199840140
Status: Unutilized
Comment: 36 sq. ft., poor condition, presence of asbestos/lead paint, most recent use—guard shack, off-site use only.

Missouri

Bldg. T599
Fort Leonard Wood
Ft. Leonard Wood Co: Pulaski MO 65473–5000
Landholding Agency: Army
Property Number: 21199230260
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: 21199230261
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: 21199330299
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: 21199340212
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: 21199340219
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: 21199420393
Status: Underutilized
Comment: 1144 sq. ft., 1-story, presence of lead base 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: 21199420433
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: 21199420439
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: 21199420441
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: 21199420446
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: 21199440334
Status: Excess
Comment: 4720 sq. ft., 2 story wood frame, off-site removal only, to be vacated 8/95, lead base paint, most recent use—barracks.

Bldg. T–2197
Fort Leonard Wood
Ft. Leonard Wood Co: Pulaski MO 65473–5000
Landholding Agency: Army
Property Number: 21199440335
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–
Landholding Agency: Army
Property Number: 21199510110
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: 21199510111
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: 21199510115
Status: Excess
Comment: 3158 sq. ft., 1-story, wood frame, most recent use—admin., to be vacated 8/95, off-site use only.

38 Bldgs.
Fort Leonard Wood
Ft. Leonard Wood Co: Pulaski MO 65473–5000
Location: 1–16, 18, 20, 22, 24, 26–29, 31, 33–45 Depuy Street
Landholding Agency: Army
Property Number: 21199710125
Status: Unutilized
Comment: 1083–1485 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: 21199710138
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: 21199730275
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: 21199730276
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: 21199730277
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: 21199730278
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: 21199730279
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: 21199730280
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: 21199730281
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: 21199730282
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: 21199730283
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: 21199730284
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: 21199730285
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: 21199730286
Status: Unutilized
Comment: 1144 sq. ft., presence of asbestos/lead paint, most recent use—classroom, off-site use only.

Bldg. 430
Fort Leonard Wood
Ft. Leonard Wood Co: Pulaski MO 65473–5000
Landholding Agency: Army
Property Number: 21199810305
Status: Unutilized
Comment: 4100 sq. ft., presence of asbestos/lead paint, most recent use—Red Cross facility, off-site use only.

Bldg. 758
Fort Leonard Wood
Ft. Leonard Wood Co: Pulaski MO 65473–5000
Landholding Agency: Army
Property Number: 21199810306
Status: Unutilized
Comment: 2400 sq. ft., presence of asbestos/lead paint, most recent use—classroom, off-site use only.

Bldg. 759
Fort Leonard Wood
Ft. Leonard Wood Co: Pulaski MO 65473–5000
Landholding Agency: Army
Property Number: 21199810307
Status: Unutilized
Comment: 2400 sq. ft., presence of asbestos/lead paint, most recent use—classroom, off-site use only.

Bldg. 760
Fort Leonard Wood
Ft. Leonard Wood Co: Pulaski MO 65473–5000
Landholding Agency: Army
Property Number: 21199810308
Status: Unutilized
Comment: 2400 sq. ft., presence of asbestos/lead paint, off-site use only.

Bldg. 761–766
Fort Leonard Wood
Ft. Leonard Wood Co: Pulaski MO 65473–5000
Landholding Agency: Army
Property Number: 21199810309
Status: Unutilized
Comment: 2400 sq. ft. each, presence of asbestos/lead paint, most recent use—classroom, off-site use only.

Bldg. 1650
Fort Leonard Wood
Ft. Leonard Wood Co: Pulaski MO 65473–5000
Landholding Agency: Army
Property Number: 21199810311
Status: Unutilized
Comment: 1676 sq. ft., presence of asbestos/lead paint, most recent use—union hall, off-site use only.

Bldg. 2111
Fort Leonard Wood
Ft. Leonard Wood Co: Pulaski MO 65473–5000
Landholding Agency: Army
Property Number: 21199810312
Status: Unutilized

Comment: 1600 sq. ft., presence of asbestos/lead paint, most recent use—union hall, off-site use only.

Bldg. 2170
Fort Leonard Wood
Ft. Leonard Wood Co: Pulaski MO 65473–5000
Landholding Agency: Army
Property Number: 21199810313
Status: Unutilized
Comment: 1296 sq. ft., presence of asbestos/lead paint, most recent use—admin., off-site use only.

Bldg. 2204
Fort Leonard Wood
Ft. Leonard Wood Co: Pulaski MO 65473–5000
Landholding Agency: Army
Property Number: 21199810315
Status: Unutilized
Comment: 3525 sq. ft., presence of asbestos/lead paint, most recent use—admin., off-site use only.

Bldg. 2225
Fort Leonard Wood
Ft. Leonard Wood Co: Pulaski MO 65473–5000
Landholding Agency: Army
Property Number: 21199810316
Status: Unutilized
Comment: 820 sq. ft., presence of lead paint, most recent use—storage, off-site use only.

Bldg. 2271
Fort Leonard Wood
Ft. Leonard Wood Co: Pulaski MO 65473–5000
Landholding Agency: Army
Property Number: 21199810317
Status: Unutilized
Comment: 256 sq. ft., presence of lead paint, most recent use—storage, off-site use only.

Bldg. 2275
Fort Leonard Wood
Ft. Leonard Wood Co: Pulaski MO 65473–5000
Landholding Agency: Army
Property Number: 21199810318
Status: Unutilized
Comment: 225 sq. ft., presence of lead paint, most recent use—storage, off-site use only.

Bldg. 2291
Fort Leonard Wood
Ft. Leonard Wood Co: Pulaski MO 65473–5000
Landholding Agency: Army
Property Number: 21199810319
Status: Unutilized
Comment: 510 sq. ft., presence of lead paint, most recent use—storage, off-site use only.

Bldg. 2318
Fort Leonard Wood
Ft. Leonard Wood Co: Pulaski MO 65473–5000
Landholding Agency: Army
Property Number: 21199810322
Status: Unutilized
Comment: 9267 sq. ft., presence of asbestos/lead paint, most recent use—storage, off-site use only.

Bldg. 2579
Fort Leonard Wood
Ft. Leonard Wood Co: Pulaski MO 65473–5000
Landholding Agency: Army
Property Number: 21199810325
Status: Unutilized
Comment: 176 sq. ft., presence of asbestos/lead paint, most recent use—storage, off-site use only.

Bldg. 2580
Fort Leonard Wood
Ft. Leonard Wood Co: Pulaski MO 65473–5000
Landholding Agency: Army
Property Number: 21199810326
Status: Unutilized
Comment: 200 sq. ft., presence of asbestos/lead paint, most recent use—generator plant, off-site use only.

Bldg. 4199
Fort Leonard Wood
Ft. Leonard Wood Co: Pulaski MO 65473–5000
Landholding Agency: Army
Property Number: 21199810327
Status: Unutilized
Comment: 2400 sq. ft., presence of asbestos/lead paint, most recent use—storage, off-site use only.

Bldg. 6030
Fort Leonard Wood
Ft. Leonard Wood Co: Pulaski MO 65473–5000
Landholding Agency: Army
Property Number: 21199810328
Status: Unutilized
Comment: 1000 sq. ft., presence of lead paint, poor condition, most recent use—storage, off-site use only.

Bldg. 386
Fort Leonard Wood
Ft. Leonard Wood Co: Pulaski MO 65473–5000
Landholding Agency: Army
Property Number: 21199820163
Status: Unutilized
Comment: 4902 sq. ft., presence of asbestos/lead paint, most recent use—fire station, off-site use only.

Bldg. 401
Fort Leonard Wood
Ft. Leonard Wood Co: Pulaski MO 65473–5000
Landholding Agency: Army
Property Number: 21199820164
Status: Unutilized
Comment: 9567 sq. ft., presence of asbestos/lead paint, most recent use—admin., off-site use only.

Bldg. 801
Fort Leonard Wood
Ft. Leonard Wood Co: Pulaski MO 65473–5000
Landholding Agency: Army
Property Number: 21199820165
Status: Unutilized
Comment: 17012 sq. ft., presence of asbestos/lead paint, most recent use—classroom, off-site use only.

Bldg. 856
Fort Leonard Wood
Ft. Leonard Wood Co: Pulaski MO 65473–5000
Landholding Agency: Army
Property Number: 21199820166
Status: Unutilized
Comment: 2400 sq. ft., presence of asbestos/lead paint, most recent use—storage, off-site use only.

Bldg. 859
Fort Leonard Wood
Ft. Leonard Wood Co: Pulaski MO 65473–5000
Landholding Agency: Army
Property Number: 21199820167
Status: Unutilized
Comment: 2400 sq. ft., presence of asbestos/lead paint, most recent use—storage, off-site use only.

Bldg. 1242
Fort Leonard Wood
Ft. Leonard Wood Co: Pulaski MO 65473–5000
Landholding Agency: Army
Property Number: 21199820168
Status: Unutilized
Comment: 2360 sq. ft., presence of asbestos/lead paint, most recent use—storage, off-site use only.

Bldg. 1265
Fort Leonard Wood
Ft. Leonard Wood Co: Pulaski MO 65473–5000
Landholding Agency: Army
Property Number: 21199820169
Status: Unutilized
Comment: 2360 sq. ft., presence of asbestos/lead paint, most recent use—storage, off-site use only.

Bldg. 1267
Fort Leonard Wood
Ft. Leonard Wood Co: Pulaski MO 65473–5000
Landholding Agency: Army
Property Number: 21199820170
Status: Unutilized
Comment: 1144 sq. ft., presence of asbestos/lead paint, most recent use—admin., off-site use only.

Bldg. 1272
Fort Leonard Wood
Ft. Leonard Wood Co: Pulaski MO 65473–5000
Landholding Agency: Army
Property Number: 21199820171
Status: Unutilized
Comment: 1144 sq. ft., presence of asbestos/lead paint, most recent use—admin., off-site use only.

Bldg. 1277
Fort Leonard Wood
Ft. Leonard Wood Co: Pulaski MO 65473–5000
Landholding Agency: Army
Property Number: 21199820172
Status: Unutilized
Comment: 1144 sq. ft., presence of asbestos/lead paint, most recent use—admin., off-site use only.

Bldgs. 2142, 2145, 2151–2153
Fort Leonard Wood
Ft. Leonard Wood Co: Pulaski MO 65473–5000
Landholding Agency: Army
Property Number: 21199820174
Status: Unutilized
Comment: 4720 sq. ft., presence of asbestos/lead paint, most recent use—barracks, off-site use only.

Bldg. 2150
Fort Leonard Wood
Ft. Leonard Wood Co: Pulaski MO 65473–5000
Landholding Agency: Army

Property Number: 21199820175
Status: Unutilized
Comment: 2892 sq. ft., presence of asbestos/lead paint, most recent use—dayroom, off-site use only.

Bldg. 2155
Fort Leonard Wood
Ft. Leonard Wood Co: Pulaski MO 65473–5000
Landholding Agency: Army
Property Number: 21199820176
Status: Unutilized
Comment: 1296 sq. ft., presence of asbestos/lead paint, most recent use—admin., off-site use only.

Bldgs. 2156, 2157, 2163, 2164
Fort Leonard Wood
Ft. Leonard Wood Co: Pulaski MO 65473–5000
Landholding Agency: Army
Property Number: 21199820177
Status: Unutilized
Comment: 4720 sq. ft., presence of asbestos/lead paint, most recent use—barracks, off-site use only.

Bldg. 2165
Fort Leonard Wood
Ft. Leonard Wood Co: Pulaski MO 65473–5000
Landholding Agency: Army
Property Number: 21199820178
Status: Unutilized
Comment: 2892 sq. ft., presence of asbestos/lead paint, most recent use—dayroom, off-site use only.

Bldg. 2167
Fort Leonard Wood
Ft. Leonard Wood Co: Pulaski MO 65473–5000
Landholding Agency: Army
Property Number: 21199820179
Status: Unutilized
Comment: 1296 sq. ft., presence of asbestos/lead paint, most recent use—admin., off-site use only.

Bldgs. 2169, 2181, 2182, 2183
Fort Leonard Wood
Ft. Leonard Wood Co: Pulaski MO 65473–5000
Landholding Agency: Army
Property Number: 21199820180
Status: Unutilized
Comment: 4720 sq. ft., presence of asbestos/lead paint, most recent use—barracks, off-site use only.

Bldg. 2186
Fort Leonard Wood
Ft. Leonard Wood Co: Pulaski MO 65473–5000
Landholding Agency: Army
Property Number: 21199820181
Status: Unutilized
Comment: 1296 sq. ft., presence of asbestos/lead paint, most recent use—admin., off-site use only.

Bldg. 2187
Fort Leonard Wood
Ft. Leonard Wood Co: Pulaski MO 65473–5000
Landholding Agency: Army
Property Number: 21199820182
Status: Unutilized
Comment: 2892 sq. ft., presence of asbestos/lead paint, most recent use—dayroom, off-site use only.

Bldgs. 2192, 2196, 2198
Fort Leonard Wood
Ft. Leonard Wood Co: Pulaski MO 65473–5000
Landholding Agency: Army
Property Number: 21199820183
Status: Unutilized
Comment: 4720 sq. ft., presence of asbestos/lead paint, most recent use—barracks, off-site use only.

Bldgs. 2304, 2306
Fort Leonard Wood
Ft. Leonard Wood Co: Pulaski MO 65473–5000
Landholding Agency: Army
Property Number: 21199820184
Status: Unutilized
Comment: 1625 sq. ft., presence of asbestos/lead paint, most recent use—storage, off-site use only.

Bldg. 12651
Fort Leonard Wood
Ft. Leonard Wood Co: Pulaski MO 65473–5000
Landholding Agency: Army
Property Number: 21199820186
Status: Unutilized
Comment: 240 sq. ft., presence of lead paint, off-site use only.

Bldg. 1448
Fort Leonard Wood
Co: Pulaski MO 65473–5000
Landholding Agency: Army
Property Number: 21199830327
Status: Unutilized
Comment: 8450 sq. ft., presence of asbestos/lead paint, most recent use—training, off-site use only.

Bldg. 2210
Fort Leonard Wood
Co: Pulaski MO 65473–5000
Landholding Agency: Army
Property Number: 21199830328
Status: Unutilized
Comment: 808 sq. ft., concrete, presence of asbestos/lead paint, most recent use—storage, off-site use only.

Bldg. 2270
Fort Leonard Wood
Co: Pulaski MO 65473–5000
Landholding Agency: Army
Property Number: 21199830329
Status: Unutilized
Comment: 256 sq. ft., concrete, presence of asbestos/lead paint, most recent use—storage, off-site use only.

New Jersey

Bldg. 22
Armament R&D Engineering Center
Picatinny Arsenal Co: Morris NJ 07806–5000
Landholding Agency: Army
Property Number: 21199740311
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: 21199740312
Status: Unutilized
Comment: 067 sq. ft., most recent use—research, off-site use only.

Bldg. 642
Armament R&D Engineering Center
Picatinny Arsenal Co: Morris NJ 07806–5000
Landholding Agency: Army
Property Number: 21199740314
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: 21199740315
Status: Unutilized
Comment: 9077 sq. ft., needs rehab, 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: 21199740321
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: 21199740322
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: 21199740324
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: 21199740325
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: 21199740326
Status: Unutilized
Comment: 288 sq. ft., most recent use—snack bar, off-site use only.

New York

Bldgs. 2400, 2402, 2404
Stewart Army Subpost
New Windsor Co: Orange NY 12553–
Landholding Agency: Army
Property Number: 21199710131
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: 21199710132
Status: Unutilized

Comment: 425 & 1834 sq. ft., most recent use—gas pump house/office/motor pool, need repairs, off-site use only.

New York

Bldgs. 1800, 1802, 1818
Stewart Army Subpost
New Windsor Co: Orange NY 12553–
Landholding Agency: Army
Property Number: 21199710133
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: 21199710134
Status: Unutilized
Comment: 10052 sq. ft. each, most recent use—family housing need repairs, off-site use only.

5 Bldgs.
Stewart Army Subpost
United States Military Academy
New Windsor Co: Orange NY 12553–
Location: #1004, 1102, 1200, 1214, 1216
Landholding Agency: Army
Property Number: 21199830330
Status: Unutilized
Comment: 35,830 sq. ft., fair, possible asbestos/lead paint, most recent use—multipurpose.

Bldgs. 1202, 1204, 1206
Stewart Army Subpost
United States Military Academy
New Windsor Co: Orange NY 12553–
Landholding Agency: Army
Property Number: 21199830331
Status: Unutilized
Comment: 21,972 sq. ft., poor, possible asbestos/lead paint, most recent use—admin/storage/barracks.

5 Bldgs.
Stewart Army Subpost
United States Military Academy
New Windsor Co: Orange NY 12553–
Location: #1300, 1400, 1402, 1700, 1708
Landholding Agency: Army
Property Number: 21199830332
Status: Unutilized
Comment: 64,861 sq. ft., fair possible asbestos/lead paint, most recent use—multipurpose.

8 Bldgs.
Stewart Army Subpost
United States Military Academy
New Windsor Co: Orange NY 12553–
Location: # 1400, 1600, 1604, 1606, 1608, 1610, 1612
Landholding Agency: Army
Property Number: 21199830333
Status: Unutilized
Comment: 52,873 sq. ft., poor, possible asbestos/lead paint, most recent use—barracks.

6 Bldgs.
Stewart Army Subpost
United States Military Academy
New Windsor Co: Orange NY 12553–
Location: #1800, 1802, 1810, 1818, 2297, 2308
Landholding Agency: Army
Property Number: 21199830334
Status: Unutilized
Comment: 21,972 sq. ft., poor, possible asbestos/lead paint, most recent use—barracks/storage.

6 Bldgs.
Stewart Army Subpost
United States Military Academy
New Windsor Co: Orange NY 12553–
Location: #1804, 1806, 1808, 1812, 1814, 1816
Landholding Agency: Army
Property Number: 21199830335
Status: Unutilized
Comment: 35,356 sq. ft., fair, possible asbestos/lead paint, most recent use—admin/barracks/storage.

4 Bldgs.
Stewart Army Subpost
United States Military Academy
New Windsor Co: Orange NY 12553–
Location: #2000, 2002, 2004, 2006
Landholding Agency: Army
Property Number: 21199830336
Status: Unutilized
Comment: 35,356 sq. ft., fair possible asbestos/lead paint, most recent use—lodging.

6 Bldgs.
Stewart Army Subpost
United States Military Academy
New Windsor Co: Orange NY 12553–
Location: #2200, 2202, 2206, 2208, 2210, 2216
Landholding Agency: Army
Property Number: 21199830337
Status: Unutilized
Comment: 15,750 sq. ft., fair, possible asbestos/lead paint, most recent use—plant bldgs.

9 Bldgs.
Stewart Army Subpost
United States Military Academy
New Windsor Co: Orange NY 12553–
Location: #2310, 2408, 2410, 2412, 2414, 2416, 2418, 2420, 2422
Landholding Agency: Army
Property Number: 21199830338
Status: Unutilized
Comment: 33,763 sq. ft., fair, possible asbestos/lead paint, most recent use—shop/storage.

7 Bldgs.
Stewart Army Subpost
United States Military Academy
New Windsor Co: Orange NY 12553–
Location: #2400, 2402, 2404, 2500, 2506, 2514, 2516
Landholding Agency: Army
Property Number: 21199830339
Status: Unutilized
Comment: 21,972 sq. ft., poor, possible asbestos/lead paint, most recent use—storage/admin.

5 Bldgs.
Stewart Army Subpost
United States Military Academy
New Windsor Co: Orange NY 12553–
Location: #2508, 2510, 2512, 2518, 2520
Landholding Agency: Army
Property Number: 21199830340
Status: Unutilized
Comment: 22,137 sq. ft., fair, possible asbestos/lead paint, most recent use—storage/chapel annex/admin.

10 Bldgs.
Stewart Army Subpost
United States Military Academy
New Windsor Co: Orange NY 12553–
Location: #2600, 2602–2607, 2609–2610, 2627
Landholding Agency: Army
Property Number: 21199830341
Status: Unutilized
Comment: 62,605 sq. ft., fair, possible asbestos/lead paint, most recent use—snack bar/club/storage.

9 Bldgs.
Stewart Army Subpost
United States Military Academy
New Windsor Co: Orange NY 12553–
Location: #2608, 2619, 2623, 2611–2616
Landholding Agency: Army
Property Number: 21199830342
Status: Unutilized
Comment: 45,851 sq. ft., poor, possible asbestos/lead paint, most recent use—barracks/storage/housing.

8 Bldgs.
Stewart Army Subpost
United States Military Academy
New Windsor Co: Orange NY 12553–
Location: #3000, 3002, 3004, 3006, 3010, 3012, 3014, 3016
Landholding Agency: Army
Property Number: 21199830343
Status: Unutilized
Comment: 47,395 sq. ft., poor, possible asbestos/lead paint, most recent use—housing/storage.

5 Bldgs.
Stewart Army Subpost
United States Military Academy
New Windsor Co: Orange NY 12553–
Location: #3100, 3102, 3104, 3112, 3114
Landholding Agency: Army
Property Number: 21199830344
Status: Unutilized
Comment: 1654 sq. ft., poor, possible asbestos/lead paint, most recent use—storage sheds.

Bldgs. 1246, 1247, 1250
West Point, U.S. Military Academy
Highlands Co: Orange NY 10996–
Landholding Agency: Army
Property Number: 21199830345
Status: Unutilized
Comment: 1703 sq. ft., poor, possible asbestos, most recent use—storage, off-site use only.

Bldg. T–35
Fort Drum
Co: Jefferson NY 13602–
Landholding Agency: Army
Property Number: 21199840143
Status: Unutilized
Comment: 1296 sq. ft., most recent use—admin., off-site use only.

Bldg. S–149
Fort Drum
Co: Jefferson NY 13602–
Landholding Agency: Army
Property Number: 21199840144
Status: Unutilized
Comment: 2488 sq. ft., most recent use—admin., off-site use only.

Bldg. T–250
Fort Drum
Co: Jefferson NY 13602–
Landholding Agency: Army
Property Number: 21199840145

Status: Unutilized
Comment: 2360 sq. ft., most recent use—storage, off-site use only.

Bldg. T–254
Fort Drum
Co: Jefferson NY 13602–
Landholding Agency: Army
Property Number: 21199840146
Status: Unutilized
Comment: 4720 sq. ft., most recent use—barracks, off-site use only.

Bldg. T–260
Fort Drum
Co: Jefferson NY 13602–
Landholding Agency: Army
Property Number: 21199840147
Status: Unutilized
Comment: 2371 sq. ft., most recent use—HQ bldg., off-site use only.

Bldg. T–261
Fort Drum
Co: Jefferson NY 13602–
Landholding Agency: Army
Property Number: 21199840148
Status: Unutilized
Comment: 1144 sq. ft., most recent use—HQ bldg., off-site use only.

Bldg. T–262
Fort Drum
Co: Jefferson NY 13602–
Landholding Agency: Army
Property Number: 21199840149
Status: Unutilized
Comment: 1144 sq. ft., most recent use—HQ bldg., off-site use only.

Bldg. T–340
Fort Drum
Co: Jefferson NY 13602–
Landholding Agency: Army
Property Number: 21199840150
Status: Unutilized
Comment: 2360 sq. ft., most recent use—storage, off-site use only.

Bldg. T–392
Fort Drum
Co: Jefferson NY 13602–
Landholding Agency: Army
Property Number: 21199840151
Status: Unutilized
Comment: 2740 sq. ft., most recent use—storage, off-site use only.

Bldg. T–413
Fort Drum
Co: Jefferson NY 13602–
Landholding Agency: Army
Property Number: 21199840152
Status: Unutilized
Comment: 3663 sq. ft., most recent use—admin., off-site use only.

Bldg. T–415
Fort Drum
Co: Jefferson NY 13602–
Landholding Agency: Army
Property Number: 21199840153
Status: Unutilized
Comment: 1676 sq. ft., most recent use—HQ bldg., off-site use only.

Bldg. T–530
Fort Drum
Co: Jefferson NY 13602–
Landholding Agency: Army
Property Number: 21199840154
Status: Unutilized
Comment: 2588 sq. ft., most recent use—HQ bldg., off-site use only.

Bldg. T–840
Fort Drum
Co: Jefferson NY 13602–
Landholding Agency: Army
Property Number: 21199840155
Status: Unutilized
Comment: 2803 sq. ft., most recent use—dining, off-site use only.

Bldg. T–892
Fort Drum
Co: Jefferson NY 13602–
Landholding Agency: Army
Property Number: 21199840156
Status: Unutilized
Comment: 2740 sq. ft., most recent use—HQ bldg., off-site use only.

Bldg. T–991
Fort Drum
Co: Jefferson NY 13602–
Landholding Agency: Army
Property Number: 21199840157
Status: Unutilized
Comment: 2740 sq. ft., most recent use—HQ bldg., off-site use only.

Bldg. P–996
Fort Drum
Co: Jefferson NY 13602–
Landholding Agency: Army
Property Number: 21199840158
Status: Unutilized
Comment: 9602 sq. ft., most recent use—storage, off-site use only.

Bldg. S–998
Fort Drum
Co: Jefferson NY 13602–
Landholding Agency: Army
Property Number: 21199840159
Status: Unutilized
Comment: 1432 sq. ft., most recent use—storage, off-site use only.

Bldg. T–2159
Fort Drum
Co: Jefferson NY 13602–
Landholding Agency: Army
Property Number: 21199840160
Status: Unutilized
Comment: 1948 sq. ft., off-site use only.

Bldg. T–2339
Fort Drum
Co: Jefferson NY 13602–
Landholding Agency: Army
Property Number: 21199840163
Status: Unutilized
Comment: 2027 sq. ft., most recent use—museum, off-site use only.

Bldg. P–2415
Fort Drum
Co: Jefferson NY 13602–
Landholding Agency: Army
Property Number: 21199840164
Status: Unutilized
Comment: 214 sq. ft., most recent use—incinerator, off-site use only.

Bldg. P–21572
Fort Drum
Co: Jefferson NY 13602–
Landholding Agency: Army
Property Number: 21199840167
Status: Unutilized
Comment: 240 sq. ft., most recent use—bunker, off-site use only.

Bldg. 1101
Stanley R. Mickelsen
Safeguard Complex
Nekoma Co: Ramsey ND 58355–
Landholding Agency: Army
Property Number: 21199640213
Status: Unutilized
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: 21199640214
Status: Unutilized
Comment: 11956 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: 21199640215
Status: Unutilized
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: 21199640216
Status: Unutilized
Comment: 11956 sq. ft., concrete, needs rehab, off-site use only.

Bldg. 4101
Stanley R. Mickelsen
Safeguard Complex
Nekoma Co: Walsh ND 58355–
Landholding Agency: Army
Property Number: 21199640217
Status: Unutilized
Comment: 2259 sq. ft., earth covered concrete bldg., needs rehab, off-site use only.

Bldg. 4110
Stanley R. Mickelsen
Safeguard Complex
Nekoma Co: Walsh ND 58355–
Landholding Agency: Army
Property Number: 21199640218
Status: Unutilized
Comment: 11956 sq. ft., concrete, needs rehab, off-site use only.

Bldg. 405
Stanley R. Mickelsen
Safeguard Complex
Nekoma Co: Cavalier ND 58355–
Landholding Agency: Army
Property Number: 21199840168
Status: Unutilized
Comment: 520 sq. ft., concrete block, most recent use—fuel oil pumping facility, off-site use only.

OHIO

15 Units
Military Family Housing
Ravenna Army Ammunition
Plant
Ravenna Co: Portage OH 44266–9297
Landholding Agency: Army
Property Number: 21199230354
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: 21199230355
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: 21199011273
Status: Unutilized
Comment: 2722 sq. ft., possible asbestos, one floor wood frame; most recent use—Headquarters Bldg.

Bldg. T–838
Fort Still
838 Macomb Road
Lawton Co: Comanche OK 73503–5100
Landholding Agency: Army
Property Number: 21199220609
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: 21199240659
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: 21199240660
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: 21199240661
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: 21199240669
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: 21199240676
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: 21199240678
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: 21199240681
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: 21199330372
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: 21199330380
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: 21199330384
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: 21199330392
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: 21199330419
Status: Unutilized
Comment: 1606 sq. ft., 1 story, possible asbestos, most recent use—storage, off-site use only.

Bldg. T–4226
Fort Sill
Lawton Co: Comanche OK 73503–
Landholding Agency: Army
Property Number: 21199440384
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: 21199520197
Status: Unutilized
Comment: 15402 sq. ft., 1-story, most recent use—storage, off-site use only.

Bldg. T–2648, Fort Sill
2648 Tacy Street
Lawton Co: Comanche OK 73503–5100
Landholding Agency: Army
Property Number: 21199540022
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. T–2649, Fort Sill
2649 Tacy Street
Lawton Co: Comanche OK 73503–5100
Landholding Agency: Army
Property Number: 21199540024
Status: Excess
Comment: 9374 sq. ft., 1 story wood frame, possible asbestos/lead paint, off-site removal only, most recent use—general storehouse.

Bldg. T–4036, Fort Sill
4036 Currie Road
Lawton Co: Comanche OK 73503–5100
Landholding Agency: Army
Property Number: 21199540034
Status: Excess
Comment: 4532 sq. ft., 1 story wood frame, possible asbestos/lead paint, off-site removal only, most recent use—classroom.

Bldg. P–366, Fort Sill
Lawton Co: Comanche OK 73503–
Landholding Agency: Army
Property Number: 21199610740
Status: Unutilized
Comment: 482 sq. ft., possible asbestos, most recent use—storage, off-site use only.

Building T–598
Fort Sill
Lawton Co: Comanche OK 73503–5100
Landholding Agency: Army
Property Number: 21199710029
Status: Unutilized
Comment: 744 sq. st., 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: 21199710032
Status: Unutilized
Comment: 5,258 sq. ft., possible asbestos and leadpaint, most recent use—chapel, off-site use only.

Building T–1800
Fort Sill
Lawton Co: Comanche OK 73503–5100
Landholding Agency: Army
Property Number: 21199710033
Status: Unutilized
Comment: 2,545 sq. ft., possible asbestos and leadpaint, most recent use—military equipment, off-site use only.

Building P–1806
Fort Sill
Lawton Co: Comanche OK 73503–5100
Landholding Agency: Army

Property Number: 21199710035
Status: Unutilized
Comment: 44 sq. st., possible asbestos and leadpaint, most recent use—utility, off-site use only.

Building T–2035
Fort Sill
Lawton Co: Comanche OK 73503–5100
Landholding Agency: Army
Property Number: 21199710039
Status: Unutilized
Comment: 18,157 sq. ft., possible asbestos and leadpaint, most recent use—storage, off-site use only.

Building T–2426
Fort Sill
Lawton Co: Comanche OK 73503–5100
Landholding Agency: Army
Property Number: 21199710041
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: 21199710043
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: 21199710044
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: 21199710045
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: 21199710047
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: 21199710048
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: 21199710051
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: 21199710052
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: 21199710053
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: 21199710054
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: 21199710056
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: 21199710057
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: 21199710058
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: 21199710059
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: 21199710060
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: 21199710061
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: 21199710062
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: 21199710063
Status: Unutilized
Comment: 2,750 sq. ft., possible asbestos and leadpaint, most recent use—office, off-site use only.

Building P–5042
Fort Sill
Lawton Co: Comanche OK 73503–5100
Landholding Agency: Army
Property Number: 21199710066
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: 21199710067
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: 21199710085
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: 21199710086
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: 21199710087
Status: Unutilized
Comment: 1,483 sq. ft., possible asbestos and leadpaint, most recent use—office, off-site use only.

Building T–2751, Fort Sill
Lawton Co: Comanche OK 73503–5100
Landholding Agency: Army
Property Number: 21199720209
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: 21199730343
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: 21199730344
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: 21199730345
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: 21199730346
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: 21199730347
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: 21199730348
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: 21199730349
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: 21199730350
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: 21199730351
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: 21199730352
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: 21199730353
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: 21199730354
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: 21199730355
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: 21199730356
Status: Unutilized
Comment: 183 sq. ft., possible asbestos/lead paint, most recent use—snack bar, off-site use only.

Bldgs. T–1468, T–1469
Fort Sill
Lawton Co: Comanche OK 73503–5100
Landholding Agency: Army
Property Number: 21199730357
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: 21199730358
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: 21199730359
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: 21199730360
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: 21199730361
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: 21199730362
Status: Unutilized
Comment: 100 sq. ft., 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: 21199730363
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: 21199730364
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: 21199730365
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: 21199730366
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: 21199730367
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: 21199730368
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: 21199730369
Status: Unutilized
Comment: approx. 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: 21199730370
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: 21199730371
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: 21199730372
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: 21199730373
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: 21199730374
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: 21199730375
Status: Unutilized
Comment: various sq. ft., 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: 21199730376
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: 21199730377
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: 21199730378
Status: Unutilized
Comment: 3850 sq. ft., possible asbestos/lead paint, most recent use storage, off-site use only.

Bldg. T–2746
Fort Sill
Lawton Co: Comanche OK 73503–5100
Landholding Agency: Army
Property Number: 21199730379
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: 21199730380
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: 21199730381
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: 21199730382
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: 21199730383
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: 21199730384
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: 21199730385
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: 21199730386
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: 21199730387
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: 21199730388
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: 21199730389
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: 21199730390
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: 21199730391
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: 21199730392
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: 21199730393
Status: Unutilized
Comment: 2260 sq. ft., possible asbestos/lead paint, most recent use—office, off-site use only.

5 Bldgs.
Fort Sill
#T–4403, T–4406, T–4408
Lawton Co: Comanche OK 73503–5100
Landholding Agency: Army
Property Number: 21199730394
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: 21199730395
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: 21199730396
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: 21199730397
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: 21199730398
Status: Unutilized
Comment: 3070 sq. ft., possible asbestos/lead paint, most recent use—dining, off-site use only.

10 Bldgs.
Fort Sill
Lawton Co: Comanche OK 73503–5100
#T–4422 thru T–4427, T–4431 thru T–4434
Landholding Agency: Army
Property Number: 21199730399
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: 21199730400
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: 21199730401
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: 21199730402
Status: Unutilized
Comment: various sq. ft., possible asbestos/lead paint, most recent use—dining, off-site use only.

Bldgs. T–4461, T–4479
Fort Sill
Lawton Co: Comanche OK 73503–5100
Landholding Agency: Army
Property Number: 21199730404
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: 21199730405
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: 21199730406
Status: Unutilized
Comment: approx. 1244 sq. ft., possible asbestos/lead paint, most recent use—showers, off-site use only.

Bldg. T–4707
Fort Sill
Lawton Co: Comanche OK 73503–5100
Landholding Agency: Army
Property Number: 21199730407
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: 21199730408
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: 21199730409
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: 21199730410
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: 21199730411
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: 21199730412
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: 21199730413
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: 21199730414
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: 21199730415
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: 21199730416
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: 21199730417
Status: Unutilized
Comment: 224/840 sq. ft., possible asbestos/lead paint, most recent use—kennel, off-site use only.

Bldg. T–7775
Fort Sill
Lawton Co: Comanche OK 73503–5100
Landholding Agency: Army
Property Number: 21199730419
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: 21199740334
Status: Unutilized
Comment: 101 sq. ft., concrete, most recent use—storage, off-site use only.

Bldg. P841
Fort Sill
Lawton Co: Comanche OK 73503–5100
Landholding Agency: Army
Property Number: 21199810353
Status: Unutilized
Comment: 192 sq. ft., possible asbestos/lead paint, most recent use—dispatch, off-site use only.

Bldg. S955
Fort Sill
Lawton Co: Comanche OK 73503–5100
Landholding Agency: Army
Property Number: 21199810354
Status: Unutilized
Comment: 854 sq. ft., possible asbestos/lead paint, most recent use—training, off-site use only.

Bldg. P1438
Fort Sill
Lawton Co: Comanche OK 73503–5100
Landholding Agency: Army
Property Number: 21199810355
Status: Unutilized
Comment: 1410 sq. ft., possible asbestos/lead paint, most recent use—clubhouse, off-site use only.

Bldg. 4463
Fort Sill
Lawton Co: Comanche OK 73503–5100
Landholding Agency: Army
Property Number: 21199810357
Status: Unutilized
Comment: 2262 sq. ft., possible asbestos/lead paint, most recent use—office, off-site use only.

Bldg. S–4913
Fort Sill
Lawton Co: Comanche OK 73503–5100
Landholding Agency: Army
Property Number: 21199810358
Status: Unutilized
Comment: 82 sq. ft., possible asbestos/lead paint, most recent use—storage, off-site use only.

Bldg. P–5028
Fort Sill
Lawton Co: Comanche OK 73503–5100
Landholding Agency: Army
Property Number: 21199810359
Status: Unutilized
Comment: 23 sq. ft., possible asbestos/lead paint, most recent use—storage, off-site use only.

Bldg. S–6020
Fort Sill
Lawton Co: Comanche OK 73503–5100
Landholding Agency: Army
Property Number: 21199810363
Status: Unutilized
Comment: 104 sq. ft., possible asbestos/lead paint, most recent use—shelter, off-site use only.

Bldg. S–6049
Fort Sill
Lawton Co: Comanche OK 73503–5100
Landholding Agency: Army
Property Number: 21199810364
Status: Unutilized
Comment: 104 sq. ft., possible asbestos/lead paint, most recent use—shelter, off-site use only.

Pennsylvania

Bldg. T–3–87
Fort Indiantown Gap
Annville Co: Lebanon PA 17003–5000
Landholding Agency: Army
Property Number: 21199740337
Status: Unutilized
Comment: 1144 sq. ft., most recent use—classroom, off-site use only.

South Carolina

Bldg. 5412
Fort Jackson
Ft Jackson Co: Richland SC 29207–
Landholding Agency: Army
Property Number: 21199510139
Status: Excess
Comment: 3900 sq. ft., 1-story, wood frame, needs rehab, most recent use—admin., off-site use only.

South Carolina

Bldg. 3499
Fort Jackson
Fort Jackson Co: Richland SC 29207–
Landholding Agency: Army
Property Number: 21199730310
Status: Unutilized
Comment: 3724 sq. ft., needs repair, most recent use—admin.

Bldg. 2441
Fort Jackson
Fort Jackson Co: Richland SC 29207–
Landholding Agency: Army
Property Number: 21199820187
Status: Unutilized
Comment: 2160 sq. ft., needs repair, most recent use—admin.

Bldg. 3605
Fort Jackson
Ft. Jackson Co: Richland SC 29207–
Landholding Agency: Army
Property Number: 21199820188
Status: Unutilized
Comment: 711 sq. ft., needs repair, most recent use—storage.

Texas

Bldg. P–3824, Fort Sam Houston
San Antonio Co: Bexar TX 78234–5000
Landholding Agency: Army
Property Number: 21199220398
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: 21199330444
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: 21199330486
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: 21199410322
Status: Unutilized
Comment: 2,160 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: 21199440449
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: 21199440454
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: 21199520201
Status: Unutilized
Comment: 9,000 sq. ft., 1-story, off-site use only.

Bldg. 4202, Fort Hood
Ft. Hood Co: Bell, TX 76544–
Landholding Agency: Army
Property Number: 21199520202
Status: Unutilized
Comment: 5,400 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: 21199520203
Status: Excess
Comment: 8,212 sq. ft., 1-story, most recent use—storage, presence of asbestos & lead base paint, located in Historic District, off-site use only.

Bldg. P–197
Fort Sam Houston
San Antonio Co: Bexar, TX 78234–5000
Landholding Agency: Army
Property Number: 21199640220
Status: Unutilized
Comment: 13,819 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: 21199640221
Status: Unutilized
Comment: 18,102 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: 21199640223
Status: Unutilized
Comment: 1,296 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: 21199640224
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: 21199640225
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: 21199640226
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: 21199640227
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: 21199640230
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: 21199640235
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: 21199640236
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: 21199640237
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: 21199640240
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: 21199640241
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: 21199640242
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: 21199640243
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: 21199640244
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: Army
Property Number: 21199640564
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: 21199710088
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: 21199720213
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: 21199730315
Status: Unutilized
Comment: 59,149 sq. ft., presence of asbestos/lead paint, historical category, most recent use—laundry, off-site use only.

Bldgs. P–605A & P–606A
Fort Sam Houston
San Antonio Co: Bexar TX 78234–5000
Landholding Agency: Army
Property Number: 21199730316
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: 21199730317
Status: Unutilized
Comment: 8,629 sq. ft., presence of asbestos/lead paint, most recent use—instruction bldg., off-site use only.

Bldgs. S–1440–S–1446 S–1452
Fort Sam Houston
San Antonio Co: Bexar TX 78234–5000
Landholding Agency: Army
Property Number: 21199730318
Status: Unutilized
Comment: 4200 sq. ft., presence of lead, most recent use—instruction bldgs., off-site use only.

4 Bldgs.
Fort Sam Houston
#S–1447, S–1449, S–1450, S–1451
San Antonio Co: Bexar TX 78234–5000
Landholding Agency: Army
Property Number: 21199730319
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: Army

Property Number: 21199730320
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: 21199730321
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: 21199730322
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: 21199730323
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: 21199730324
Status: Unutilized
Comment: 18803 sq. ft., poor condition, presence of lead paint, most recent use—stable, off-site use only.

Bldg. T–3556
Fort Sam Houston
San Antonio Co: Bexar TX 78234–5000
Landholding Agency: Army
Property Number: 21199730325
Status: Unutilized
Comment: 1300 sq. ft., poor condition, presence of lead paint, most recent use—stable, off-site use only.

Bldg. T–3557
Fort Sam Houston
San Antonio Co: Bexar TX 78234–5000
Landholding Agency: Army
Property Number: 21199730326
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: 21199730327
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: 21199730328
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: 21199730329
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: 21199730330
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: 21199730331
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: 21199730332
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: 21199730333
Status: Unutilized
Comment: 570 sq. ft., presence of asbestos/lead paint, historical category, most recent use—admin., off-site use only.

Bldg. T–6284
Fort Sam Houston
San Antonio Co: Bexar TX 78234–5000
Landholding Agency: Army
Property Number: 21199730335
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: 21199730420
Status: Unutilized
Comment: 570 sq. ft., presence of asbestos/lead paint, most recent use—admin., off-site use only.

Bldg. P–1382
Fort Sam Houston
San Antonio Co: Bexar TX 78234–5000
Landholding Agency: Army
Property Number: 21199810365
Status: Unutilized
Comment: 30,082 sq. ft., presence of asbestos/lead paint, most recent use—housing, off-site use only.

Bldg. P–2013
Fort Sam Houston
San Antonio Co: Bexar TX 78234–5000
Landholding Agency: Army
Property Number: 21199810366
Status: Unutilized
Comment: 10,990 sq. ft., historical property, presence of asbestos/lead paint, most recent use—instruction, off-site use only.

Bldg. P–2014
Fort Sam Houston
San Antonio Co: Bexar TX 78234–5000
Landholding Agency: Army
Property Number: 21199810367
Status: Unutilized
Comment: 10,990 sq. ft., historical property, presence of asbestos/lead paint, most recent use—instruction, off-site use only.

Bldg. P–2015
Fort Sam Houston
San Antonio Co: Bexar TX 78234–5000
Landholding Agency: Army
Property Number: 21199810368
Status: Unutilized
Comment: 11,333 sq. ft., historical property, presence of asbestos/lead paint, most recent use—admin., off-site use only.

Bldg. P–2016
Fort Sam Houston
San Antonio Co: Bexar TX 78234–5000
Landholding Agency: Army
Property Number: 21199810369
Status: Unutilized
Comment: 11,517 sq. ft., historical property, presence of asbestos/lead paint, most recent use—admin., off-site use only.

Bldg. P–2017
Fort Sam Houston
San Antonio Co: Bexar TX 78234–5000
Landholding Agency: Army
Property Number: 21199810370
Status: Unutilized
Comment: 10,990 sq. ft., historical property, presence of asbestos/lead paint, most recent use—admin., off-site use only.

Bldg. S–3897
Fort Sam Houston
San Antonio Co: Bexar TX 78234–5000
Landholding Agency: Army
Property Number: 21199810371
Status: Unutilized
Comment: 4,200 sq. ft., presence of asbestos/lead paint, most recent use—instruction, off-site use only.

Bldg. P–1026
Fort Sam Houston
San Antonio Co: Bexar TX 78234–5000
Landholding Agency: Army
Property Number: 21199830346
Status: Unutilized
Comment: 14,067 sq. ft., fair, hazard abatement required, most recent use—lab/auditorium, historic significance.

Bldg. S–1155
Fort Sam Houston
San Antonio Co: Bexar TX 78234–5000
Landholding Agency: Army
Property Number: 21199830347
Status: Unutilized
Comment: 2100 sq. ft., good, hazard abatement required, most recent use—instruction bldg., off-site use only.

Bldg. P–2376
Fort Sam Houston
San Antonio Co: Bexar TX 78234–5000
Landholding Agency: Army
Property Number: 21199830348
Status: Unutilized
Comment: 368,132 sq. ft., fair, hazard abatement required, most recent use—hospital, historical significance.

Bldg. S–3896
Fort Sam Houston
San Antonio Co: Bexar TX 78234–5000
Landholding Agency: Army
Property Number: 21199830349
Status: Unutilized
Comment: 4200 sq. ft., fair, hazard abatement required, most recent use—training, off-site use only.

Bldg. T–5123
Fort Sam Houston
San Antonio Co: Bexar TX 78234–5000
Landholding Agency: Army
Property Number: 21199830350
Status: Unutilized
Comment: 2596 sq. ft., fair, hazard abatement required, most recent use—instruction, off-site use only, historical significance.

Bldg. P–6150
Fort Sam Houston
San Antonio Co: Bexar TX 78234–5000
Landholding Agency: Army
Property Number: 21199830351
Status: Unutilized
Comment: 48 sq. ft., fair, hazard abatement required, most recent use—pumphouse, off-site use only.

Bldg. P–6218
Fort Sam Houston
San Antonio Co: Bexar TX 78234–5000
Landholding Agency: Army
Property Number: 21199830352
Status: Unutilized
Comment: 216 sq. ft., fair, hazard abatement required, most recent use—pumping station, off-site use only.

Bldg. P–6331, P–6335, P–6495
Fort Sam Houston
San Antonio Co: Bexar TX 78234–5000
Landholding Agency: Army
Property Number: 21199830353
Status: Unutilized
Comment: 36 sq. ft., fair, hazard abatement required, most recent use—pumping station, off-site use only.

Bldg. P–8000
Fort Sam Houston
San Antonio Co: Bexar TX 78234–5000
Landholding Agency: Army
Property Number: 21199830354
Status: Unutilized
Comment: 1766 sq. ft., fair, hazard abatement required, most recent use—housing, off-site use only.

9 Bldgs.
Fort Sam Houston
San Antonio Co: Bexar TX 78234–5000
Location: #P8001, P8008, 8014, 8027, 8033, 8035, 8127, 8229, 8265
Landholding Agency: Army
Property Number: 21199830355
Status: Unutilized
Comment: 2456 sq. ft., fair, hazard abatement required, most recent use—housing, off-site use only.

11 Bldgs.
Fort Sam Houston
San Antonio Co: Bexar TX 78234–5000
Location: #P8003, P8011, 8012, 8019, 8043, 8202, 8204, 8216, 8235, 8241, 8261
Landholding Agency: Army
Property Number: 21199830356
Status: Unutilized
Comment: 2358 sq. ft., fair, hazard abatement required, most recent use—housing, off-site use only.

Bldgs. P–8003C, P–8220C
Fort Sam Houston
San Antonio Co: Bexar TX 78234–5000
Landholding Agency: Army
Property Number: 21199830357
Status: Unutilized
Comment: 1174 sq. ft., fair, hazard abatement required, most recent use—detached garage, off-site use only.

Bldg. P–8004
Fort Sam Houston
San Antonio Co: Bexar TX 78234–5000
Landholding Agency: Army
Property Number: 21199830358
Status: Unutilized
Comment: 2243 sq. ft., fair, hazard abatement required, most recent use—housing, off-site use only.

7 Bldgs.
Fort Sam Houston
San Antonio Co: Bexar TX 78234–5000
Location: #P8005, 8101, 8107, 8141, 8143, 8146, 8150
Landholding Agency: Army
Property Number: 21199830359
Status: Unutilized
Comment: 1804 sq. ft., fair, hazard abatement required, most recent use—housing, off-site use only.

16 Bldgs.
Fort Sam Houston
San Antonio Co: Bexar TX 78234–5000
Location: #P8006, 8007, 8010, 8013, 8015, 8017, 8020, 8029, 8103, 8105, 8201, 8203, 8208, 8218, 8225, 8234
Landholding Agency: Army
Property Number: 21199830360
Status: Unutilized
Comment: 1703 sq. ft., fair, hazard abatement required, most recent use—housing, off-site use only.

7 Bldgs.
Fort Sam Houston
San Antonio Co: Bexar TX 78234–5000
Location: #P8009, 8024, 8207, 8214, 8217, 8226, 8256
Landholding Agency: Army
Property Number: 21199830361
Status: Unutilized
Comment: 2253 sq. ft., fair, hazard abatement required, most recent use—housing, off-site use only.

4 Bldgs.
Fort Sam Houston
San Antonio Co: Bexar TX 78234–5000
Location: #P8009C, 8027C, 8248C, 8256C
Landholding Agency: Army
Property Number: 21199830362
Status: Unutilized
Comment: 681 sq. ft., fair, hazard abatement required, most recent use—detached garage, off-site use only.

3 Bldgs.
Fort Sam Houston
San Antonio Co: Bexar TX 78234–5000
Location: #P8012C, 8039C, 8224C
Landholding Agency: Army
Property Number: 21199830363
Status: Unutilized
Comment: 1185 sq. ft., fair, hazard abatement required, most recent use—detached garage, off-site use only.

Bldg. P8016
Fort Sam Houston
San Antonio Co: Bexar TX 78234–5000
Landholding Agency: Army
Property Number: 21199830364
Status: Unutilized
Comment: 2347 sq. ft., fair, hazard abatement required, most recent use—housing, off-site use only.

8 Bldgs.
Fort Sam Houston
San Antonio Co: Bexar TX 78234–5000
Location: #P8021, 8211, 8244, 8270, 8213, 8223, 8243, 8266
Landholding Agency: Army
Property Number: 21199830365
Status: Unutilized
Comment: 249 sq. ft., fair, hazard abatement required, most recent use—housing, off-site use only.

Bldg. P–8022
Fort Sam Houston
San Antonio Co: Bexar TX 78234–5000
Landholding Agency: Army
Property Number: 21199830366
Status: Unutilized
Comment: 1849 sq. ft., fair, hazard abatement required, most recent use—housing, off-site use only.

5 Bldgs.
Fort Sam Houston
San Antonio Co: Bexar TX 78234–5000
Location: #8022C, 8023C, 8106C, 8127C, 8206C
Landholding Agency: Army
Property Number: 21199830367
Status: Unutilized
Comment: 513 sq. ft., fair, hazard abatement required, most recent use—detached garage, off-site use only.

7 Bldgs.
Fort Sam Houston
San Antonio Co: Bexar TX 78234–5000
Location: #8023, 8039, 8139, 8209, 8220, 8253, 8254
Landholding Agency: Army
Property Number: 21199830368
Status: Unutilized
Comment: 2485 sq. ft., fair, hazard abatement required, most recent use—housing, off-site use only.

Bldgs. P8026, P8028
Fort Sam Houston
San Antonio Co: Bexar TX 78234–5000
Landholding Agency: Army
Property Number: 21199830369
Status: Unutilized
Comment: 1850 sq. ft., fair, hazard abatement required, most recent use—housing, off-site use only.

3 Bldgs.
Fort Sam Houston
San Antonio Co: Bexar TX 78234–5000
Location: #P8028C, P8143C, P8150C
Landholding Agency: Army
Property Number: 21199830370
Status: Unutilized

Comment: 838 sq. ft., fair, hazard abatement required, most recent use—detached garage, off-site use only.

5 Bldgs.
Fort Sam Houston
San Antonio Co: Bexar TX 78234–5000
Location: #P8030, P8031, 8104, 8032, 8034
Landholding Agency: Army
Property Number: 21199830371
Status: Unutilized
Comment: various sq. ft., fair, hazard abatement required, most recent use—housing, off-site use only.

3 Bldgs.
Fort Sam Houston
San Antonio Co: Bexar TX 78234–5000
Location: #P8035C, P8104C, 8236C
Landholding Agency: Army
Property Number: 21199830372
Status: Unutilized
Comment: 1017 sq. ft., fair, hazard abatement required, most recent use—detached garage, off-site use only.

3 Bldgs.
Fort Sam Houston
San Antonio Co: Bexar TX 78234–5000
Location: #P8036, P8038, 8040
Landholding Agency: Army
Property Number: 21199830373
Status: Unutilized
Comment: approx. 2300 sq. ft., fair, hazard abatement required, most recent use—housing, off-site use only.

7 Bldgs.
Fort Sam Houston
San Antonio Co: Bexar TX 78234–5000
Location: #P8041, P8042, 8231, 8236, 8237, 8258, 8262
Landholding Agency: Army
Property Number: 21199830374
Status: Unutilized
Comment: 2335 sq. ft., fair, hazard abatement required, most recent use—housing, off-site use only.

3 Bldgs.
Fort Sam Houston
San Antonio Co: Bexar TX 78234–5000
Location: #P8102, 8106, 8108
Landholding Agency: Army
Property Number: 21199830375
Status: Unutilized
Comment: approx. 2700 sq. ft., fair, hazard abatement required, most recent use—housing, off-site use only.

Bldgs. P8109, P8137
Fort Sam Houston
San Antonio Co: Bexar TX 78234–5000
Landholding Agency: Army
Property Number: 21199830376
Status: Unutilized
Comment: 1540 sq. ft., fair, hazard abatement required, most recent use—housing, off-site use only.

4 Bldgs.
Fort Sam Houston
San Antonio Co: Bexar TX 78234–5000
Location: #P8110, 8227, 8111, 8229
Landholding Agency: Army
Property Number: 21199830377
Status: Unutilized
Comment: 1537 sq. ft., fair, hazard abatement required, most recent use—housing, off-site use only.

Bldgs. P8112, P8228
Fort Sam Houston
San Antonio Co: Bexar TX 78234–5000
Landholding Agency: Army
Property Number: 21199830378
Status: Unutilized
Comment: 1807 sq. ft., fair, hazard abatement required, most recent use—housing, off-site use only.

5 Bldgs.
Fort Sam Houston
San Antonio Co: Bexar TX 78234–5000
Location: #8113, 8162, 8114, 8152, 8115
Landholding Agency: Army
Property Number: 21199830379
Status: Unutilized
Comment: approx. 1500 sq. ft., fair, hazard abatement required, most recent use—housing, off-site use only.

3 Bldgs.
Fort Sam Houston
San Antonio Co: Bexar TX 78234–5000
Location: P8116, 8151, 8158
Landholding Agency: Army
Property Number: 21199830380
Status: Unutilized
Comment: 1691 sq. ft., fair, hazard abatement required, most recent use—housing, off-site use only.

Bldg. P8117
Fort Sam Houston
San Antonio Co: Bexar TX 78234–5000
Landholding Agency: Army
Property Number: 21199830381
Status: Unutilized
Comment: 1581 sq. ft., fair, hazard abatement required, most recent use—housing, off-site use only.

8 Bldgs.
Fort Sam Houston
San Antonio Co: Bexar TX 78234–5000
Location: #P8118, 8121, 8125, 8153, 8119, 8120, 8124, 8168
Landholding Agency: Army
Property Number: 21199830382
Status: Unutilized
Comment: various sq. ft., fair, hazard abatement required, most recent use—housing, off-site use only.

Bldgs. P–8122, P–8123
Fort Sam Houston
San Antonio Co: Bexar, TX 78234–5000
Landholding Agency: Army
Property Number: 21199830383
Status: Unutilized
Comment: approx. 1,400 sq. ft., fair, hazard abatement required, most recent use—housing, off-site use only.

Bldg. P–8126
Fort Sam Houston
San Antonio Co: Bexar, TX 78234–5000
Landholding Agency: Army
Property Number: 21199830384
Status: Unutilized
Comment: 1,331 sq. ft., fair, hazard abatement required, most recent use—housing, off-site use only.

Bldg. P–8128
Fort Sam Houston
San Antonio Co: Bexar, TX 78234–5000
Landholding Agency: Army
Property Number: 21199830385
Status: Unutilized
Comment: 1,804 sq. ft., fair, hazard abatement required, most recent use—housing, off-site use only.

8 Bldgs.
Fort Sam Houston
San Antonio Co: Bexar, TX 78234–5000
Location: #P–8131C, 8139C, 8203C, 8211C, 8231C, 8243C, 8249C, 8261C
Landholding Agency: Army
Property Number: 21199830386
Status: Unutilized
Comment: 849 sq. ft., fair, hazard abatement required, most recent use—detached garage, off-site use only.

Bldgs. P–8133, P–8134
Fort Sam Houston
San Antonio Co: Bexar, TX 78234–5000
Landholding Agency: Army
Property Number: 21199830387
Status: Unutilized
Comment: approx. 2,000 sq. ft., fair, hazard abatement required, most recent use—housing, off-site use only.

Bldgs. P–8135, P–8136
Fort Sam Houston
San Antonio Co: Bexar, TX 78234–5000
Landholding Agency: Army
Property Number: 21199830388
Status: Unutilized
Comment: approx. 1,500 sq. ft., fair, hazard abatement required, most recent use—housing, off-site use only.

4 Bldgs.
Fort Sam Houston
San Antonio Co: Bexar, TX 78234–5000
Location: #P–8144, 8267, 8148, 8149
Landholding Agency: Army
Property Number: 21199830389
Status: Unutilized
Comment: approx. 2,200 sq. ft., fair, hazard abatement required, most recent use—housing, off-site use only.

6 Bldgs.
Fort Sam Houston
San Antonio Co: Bexar, TX 78234–5000
Location: #P8154, 8155, 8159, 8163, 8167, 8156
Landholding Agency: Army
Property Number: 21199830390
Status: Unutilized
Comment: approx. 1,400 sq. ft., fair, hazard abatement required, most recent use—housing, off-site use only.

6 Bldgs.
Fort Sam Houston
San Antonio Co: Bexar, TX 78234–5000
Location: #P8157, 8160, 8164, 8161, 8166, 8170
Landholding Agency: Army
Property Number: 211998830391
Status: Unutilized
Comment: approx. 1,500 sq. ft., fair, hazard abatement required, most recent use—housing, off-site use only.

Bldg. P8171
Fort Sam Houston
San Antonio Co: Bexar TX 78234–5000
Landholding Agency: Army
Property Number: 21199830392
Status: Unutilized
Comment: 1289 sq. ft., fair, hazard abatement required, most recent use—housing, off-site use only.

Bldg. P8172
Fort Sam Houston
San Antonio Co: Bexar TX 78234–5000
Landholding Agency: Army
Property Number: 21199830393

Status: Unutilized
Comment: 1597 sq. ft., fair, hazard abatement required, most recent use—housing, off-site use only.

Bldgs. P8173, P8174
Fort Sam Houston
San Antonio Co: Bexar TX 78234–5000
Landholding Agency: Army
Property Number: 21199830394
Status: Unutilized
Comment: approx. 2200 sq. ft., fair, hazard abatement required, most recent use—housing, off-site use only.

Bldg. P8174C
Fort Sam Houston
San Antonio Co: Bexar TX 78234–5000
Landholding Agency: Army
Property Number: 21199830395
Status: Unutilized
Comment: 670 sq. ft., fair, hazard abatement required, most recent use—detached garage, off-site use only.

Bldg. P8175
Fort Sam Houston
San Antonio Co: Bexar TX 78234–5000
Landholding Agency: Army
Property Number: 21199830396
Status: Unutilized
Comment: 2220 sq. ft., fair, hazard abatement required, most recent use—housing, off-site use only.

Bldg. P8200
Fort Sam Houston
San Antonio Co: Bexar TX 78234–5000
Landholding Agency: Army
Property Number: 21199830397
Status: Unutilized
Comment: 892 sq. ft., fair, hazard abatement required, most recent use—officers quarters, off-site use only.

Bldg. P8200C
Fort Sam Houston
San Antonio Co: Bexar TX 78234–5000
Landholding Agency: Army
Property Number: 21199830398
Status: Unutilized
Comment: 924 sq. ft., fair, hazard abatement required, most recent use—detached garage, off-site use only.

Bldg. P8205
Fort Sam Houston
San Antonio Co: Bexar TX 78234–5000
Landholding Agency: Army
Property Number: 21199830399
Status: Unutilized
Comment: 1745 sq. ft., fair, hazard abatement required, most recent use—housing, off-site use only.

4 Bldgs.
Fort Sam Houston
San Antonio Co: Bexar TX 78234–5000
Location: #P8206, 8215, 8232, 8233
Landholding Agency: Army
Property Number: 21199830400
Status: Unutilized
Comment: approx. 2400 sq. ft., fair, hazard abatement required, most recent use—housing, off-site use only.

Bldg. P8245
Fort Sam Houston
San Antonio Co: Bexar TX 78234–5000
Landholding Agency: Army
Property Number: 21199830401
Status: Unutilized
Comment: 2876 sq. ft., fair, hazard abatement required, most recent use—housing, off-site use only.

4 Bldgs.
Fort Sam Houston
San Antonio Co: Bexar TX 78234–5000
Location: #P8246, 8248, 8250, 8259
Landholding Agency: Army
Property Number: 21199830402
Status: Unutilized
Comment: approx. 2300 sq. ft., fair, hazard abatement required, most recent use—housing, off-site use only.

Bldgs. P8262C, 8271C
Fort Sam Houston
San Antonio Co: Bexar TX 78234–5000
Landholding Agency: Army
Property Number: 21199830403
Status: Unutilized
Comment: 1006 sq. ft., fair, hazard abatement required, most recent use—detached garage, off-site use only.

Bldg. P8269
Fort Sam Houston
San Antonio Co: Bexar TX 78234–5000
Landholding Agency: Army
Property Number: 21199830404
Status: Unutilized
Comment: 2396 sq. ft., fair, hazard abatement required, most recent use—housing, off-site use only.

20 Bldgs.
Fort Sam Houston
San Antonio Co: Bexar TX 78234–5000
Location: #P8271, 8002, 8018, 8025, 8037, 8100, 8130, 8132, 8138, 8140, 8142, 8145, 8147, 8210, 8212, 8221, 8242, 8247, 8264, 8257
Landholding Agency: Army
Property Number: 21199830405
Status: Unutilized
Comment: 2777 sq. ft., fair, hazard abatement required, most recent use—housing, off-site use only.

Bldg. P–1374
Fort Sam Houston
San Antonio Co: Bexar TX 78234–5000
Landholding Agency: Army
Property Number: 21199840169
Status: Unutilized
Comment: 111,448 sq. ft., presence of asbestos/lead paint, hazard abatement responsibility, most recent use—barracks, off-site use only.

Bldg. P–1980
Fort Sam Houston
San Antonio Co: Bexar TX 78234–5000
Landholding Agency: Army
Property Number: 21199840170
Status: Unutilized
Comment: 2989 sq. ft., presence of asbestos/lead paint, hazard abatement responsibility, most recent use—radio sysem station, off-site use only.

Bldg. P–1981
Fort Sam Houston
San Antonio Co: Bexar TX 78234–5000
Landholding Agency: Army
Property Number: 21199840171
Status: Unutilized
Comment: 200 sq. ft., presence of asbestos/lead paint, hazard abatement responsibility, most recent use—generator plant, off-site use only.

Bldg. P–2396
Fort Sam Houston
San Antonio Co: Bexar TX 78234–5000
Landholding Agency: Army
Property Number: 21199840172
Status: Unutilized
Comment: 1080 sq. ft., presence of asbestos, hazard abatement responsibility, most recent use—generator plant, off-site use only.

Bldg. P–4226
Fort Sam Houston
San Antonio Co: Bexar TX 78234–5000
Landholding Agency: Army
Property Number: 21199840173
Status: Unutilized
Comment: 1809 sq. ft., presence of lead paint, hazard abatement responsibility, most recent use—storage, off-site use only.

Bldg. P–5123
Fort Sam Houston
San Antonio Co: Bexar TX 78234–5000
Landholding Agency: Army
Property Number: 21199840174
Status: Unutilized
Comment: 2596 sq. ft., presence of asbestos/lead paint, hazard abatement responsibility, most recent use—admin., off-site use only.

Bldg. 2840
Fort Hood
Ft. Hood TX 76544–
Landholding Agency: Army
Property Number: 21199840175
Status: Unutilized
Comment: 2250 sq. ft., most recent use—admin., off-site use only.

Bldg. 2841
Fort Hood
Ft. Hood TX 76544–
Landholding Agency: Army
Property Number: 21199840176
Status: Unutilized
Comment: 2220 sq. ft., most recent use—storage, off-site use only.

Bldg. 2842
Fort Hood
Ft. Hood TX 76544–
Landholding Agency: Army
Property Number: 21199840177
Status: Unutilized
Comment: 2650 sq. ft., most recent use—admin., off-site use only.

Bldg. 2843
Fort Hood
Ft. Hood TX 76544–
Landholding Agency: Army
Property Number: 21199840178
Status: Unutilized
Comment: 8043 sq. ft., most recent use—admin., off-site use only.

Bldg. 2844
Fort Hood
Ft. Hood TX 76544–
Landholding Agency: Army
Property Number: 21199840179
Status: Unutilized
Comment: 8043 sq. ft., most recent use—admin., off-site use only.

Bldg. 2845
Fort Hood
Ft. Hood TX 76544–
Landholding Agency: Army
Property Number: 21199840180
Status: Unutilized

Comment: 8043 sq. ft., most recent use—admin., off-site use only.

Bldg. 2846
Fort Hood
Ft. Hood TX 76544–
Landholding Agency: Army
Property Number: 21199840181
Status: Unutilized
Comment: 8043 sq. ft., most recent use—admin., off-site use only.

Virginia

Bldg. T–192
Fort Monroe
Ft. Monroe VA 23651–
Landholding Agency: Army
Property Number: 21199830416
Status: Unutilized
Comment: 2804 sq. ft., presence of asbestos/lead paint, most recent use—hobby shop, off-site use only.

Bldg. 206
Fort Monroe
Ft. Monroe VA 23651
Landholding Agency: Army
Property Number: 21199830417
Status: Unutilized
Comment: 9521 sq. ft., presence of asbestos, most recent use—storage, off-site use only.

Washington

13 Bldgs., Fort Lewis
A0402, CO723, CO726, CO727, CO90
CO907, CO922, CO923, CO926, CO92
Ft. Lewis Co: Pierce WA 98433–9500
Landholding Agency: Army
Property Number: 21199630199
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, CO91
Ft. Lewis Co: Pierce WA 98433–9500
Landholding Agency: Army
Property Number: 21199630200
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: 21199630201
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, C100
Ft. Lewis Co: Pierce WA 98433–9500
Landholding Agency: Army
Property Number: 21199630204
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: 21199630205
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: 21199630206
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: 21199630207
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: 21199630213
Status: Unutilized
Comment: 230 sq. ft., possible asbestos/lead paint, most recent use—storehouse, off-site use only.

Bldg. 1307, Fort Lewis
Ft. Lewis Co: Pierce, WA 98433–9500
Landholding Agency: Army
Property Number: 21199630216
Status: Unutilized
Comment: 1,092 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: 21199630217
Status: Unutilized
Comment: 1,092 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: 21199630218
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: 21199630219
Status: Unutilized
Comment: 10,200 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: 21199630220
Status: Unutilized
Comment: 12,366 sq. ft., possible asbestos/lead paint, most recent use—warehouse, off-site use only.

Bldg. A–1404, Fort Lewis
Ft. Lewis Co: Pierce, WA 98433–
Landholding Agency: Army
Property Number: 21199640570
Status: Unutilized
Comment: 557 sq. ft., needs rehab, most recent use—storage, off-site use only.

Bldg. A–1419, Fort Lewis
Ft. Lewis Co: Pierce, WA 98433–
Landholding Agency: Army
Property Number: 21199640571
Status: Unutilized
Comment: 1,307 sq. ft., needs rehab, most recent use—storage, off-site use only.

Bldg. A–1420, Fort Lewis
Ft. Lewis Co: Pierce, WA 98433–
Landholding Agency: Army
Property Number: 21199640572
Status: Unutilized
Comment: 5,234 sq. ft., needs rehab, most recent use—vehicle maintenance shop, off-site use only.

11 Buildings
Fort Lewis
Ft. Lewis Co: Pierce WA 98433–
Location: #EO103–EO106, EO306, EO315–EO316, EO343–EO344, EO353–EO354
Landholding Agency: Army
Property Number: 21199710143
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: 21199710144
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–
Landholding Agency: Army
Property Number: 21199710145
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: 21199710146
Status: Unutilized
Comment: 2284 sq. ft., possible asbestos/lead paint, most recent use—office, off-site use only.

Bldg. EO136
Fort Lewis
Ft. Lewis Co: Pierce WA 98433–
Landholding Agency: Army
Property Number: 21199710147
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: 21199710148
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: 21199710149
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: 21199710150
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: 21199710151
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: 21199710152
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: 21199710153
Status: Unutilized
Comment: 1843 sq. ft., possible asbestos/lead paint, most recent use—office, off-site use only.

Bldg. EO334
Fort Lewis
Ft. Lewis Co: Pierce WA 98433–
Landholding Agency: Army
Property Number: 21199710154
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: 21199710155
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: 21199710156
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: 21199710157
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: #EO351, EO308, EO207, EO108
Landholding Agency: Army
Property Number: 21199710158
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: 21199710159
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: 21199710160
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: 21199720216
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: 21199720217
Status: Unutilized
Comment: 992 sq. ft., and 1144 sq. ft., needs rehab, possible asbestos/lead paint, most recent use—office, off-site use.

Bldgs. C0509, C0709, C0720
Fort Lewis
Ft. Lewis Co: Pierce WA 98433–
Landholding Agency: Army
Property Number: 21199810372
Status: Unutilized
Comment: 1984 sq. ft., possible asbestos/lead paint, needs rehab, most recent use—storage, off-site use only.

4 Bldgs.
Fort Lewis
C0511, C0710, C0711, C0719
Ft. Lewis Co: Pierce WA 98433–
Landholding Agency: Army
Property Number: 21199810373
Status: Unutilized
Comment: 1,144 sq. ft., possible asbestos/lead paint, needs rehab, most recent use—dayrooms, off-site use only.

11 Bldgs.
Fort Lewis
Ft. Lewis Co: Pierce WA 98433–
Location: C0528, C0701, C0708, C0721, C0526, C0527, C0702, C0703, C0706, C0707, C0722
Landholding Agency: Army
Property Number: 21199810374
Status: Unutilized
Comment: 2207 sq. ft., possible asbestos/lead paint, needs rehab, most recent use—dining, off-site use only.

Bldg. 1021
Fort Lewis
Ft. Lewis Co: Pierce WA 98433–
Landholding Agency: Army
Property Number: 21199830418
Status: Unutilized
Comment: 3724 sq. ft., needs repair, presence of asbestos/lead paint, most recent use—carport, off-site use only.

Bldg. 5162
Fort Lewis
Ft. Lewis Co: Pierce WA 98433–
Landholding Agency: Army
Property Number: 21199830419
Status: Unutilized
Comment: 2360 sq. ft., needs repair, presence of asbestos/lead paint, most recent use—office, off-site use only.

Bldg. A0101
Fort Lewis
Ft. Lewis Co: Pierce WA 98433–
Landholding Agency: Army
Property Number: 21199830420
Status: Unutilized
Comment: 1675 sq. ft., needs repair, presence of asbestos/lead paint, most recent use—store, off-site use only.

Bldg. A0105
Fort Lewis
Ft. Lewis Co: Pierce WA 98433–
Landholding Agency: Army
Property Number: 21199830421
Status: Unutilized
Comment: 1843 sq. ft., needs repair, presence of asbestos/lead paint, most recent use—office, off-site use only.

Bldg. A0631
Fort Lewis
Ft. Lewis Co: Pierce WA 98433–
Landholding Agency: Army
Property Number: 21199830422
Status: Unutilized
Comment: 2207 sq. ft., needs repair, presence of asbestos/lead paint, most recent use—dayroom, off-site use only.

Bldg. B0216
Fort Lewis
Ft. Lewis Co: Pierce WA 98433–
Landholding Agency: Army
Property Number: 21199830423
Status: Unutilized
Comment: 3108 sq. ft., needs repair, presence of asbestos/lead paint, most recent use—veh. maint., off-site use only.

Bldg. B0218
Fort Lewis
Ft. Lewis Co: Pierce WA 98433–
Landholding Agency: Army
Property Number: 21199830424
Status: Unutilized
Comment: 3108 sq. ft., needs repair, presence of asbestos/lead paint, most recent use—veh. maint., off-site use only.

Bldg. C1316
Fort Lewis
Ft. Lewis Co: Pierce WA 98433–
Landholding Agency: Army
Property Number: 21199830425
Status: Unutilized

Comment: 1675 sq. ft., needs repair, presence of asbestos/lead paint, most recent use—office, off-site use only.

Bldg. C1246
Fort Lewis
Ft. Lewis Co: Pierce WA 98433–
Landholding Agency: Army
Property Number: 21199830426
Status: Unutilized
Comment: 7670 sq. ft., needs repair, presence of asbestos/lead paint, most recent use—office, off-site use only.

Bldg. B0813
Fort Lewis
Ft. Lewis Co: Pierce WA 98433–
Landholding Agency: Army
Property Number: 21199830427
Status: Unutilized
Comment: 1144 sq. ft., needs repair, presence of asbestos/lead paint, most recent use—office, off-site use only.

Bldg. B0812
Fort Lewis
Ft. Lewis Co: Pierce WA 98433–
Landholding Agency: Army
Property Number: 21199830428
Status: Unutilized
Comment: 1144 sq. ft., needs repair, presence of asbestos/lead paint, most recent use—dayroom, off-site use only.

Bldg. B0228
Fort Lewis
Ft. Lewis Co: Pierce WA 98433–
Landholding Agency: Army
Property Number: 21199830429
Status: Unutilized
Comment: 2739 sq. ft., needs repair, presence of asbestos/lead paint, most recent use—storage, off-site use only.

Bldg. A0104
Fort Lewis
Ft. Lewis Co: Pierce WA 98433–
Landholding Agency: Army
Property Number: 21199830430
Status: Unutilized
Comment: 2284 sq. ft., needs repair, presence of asbestos/lead paint, most recent use—dispensary, off-site use only.

Bldg. C0409
Fort Lewis
Ft. Lewis Co: Pierce WA 98433–
Landholding Agency: Army
Property Number: 21199830431
Status: Unutilized
Comment: 1948 sq. ft., needs repair, presence of asbestos/lead paint, most recent use—storage, off-site use only.

Bldg. 9575
Fort Lewis
Ft. Lewis Co: Pierce WA 98433–
Landholding Agency: Army
Property Number: 21199830432
Status: Unutilized
Comment: 17,217 sq. ft., needs repair, presence of asbestos/lead paint, most recent use—veh. maint., off-site use only.

Bldg. 5224
Fort Lewis
Ft. Lewis Co: Pierce WA 98433–
Landholding Agency: Army
Property Number: 21199830433
Status: Unutilized
Comment: 2360 sq. ft., needs repair, presence of asbestos/lead paint, most recent use—educ. fac., off-site use only.

Bldg. 9575
Fort Lewis
Ft. Lewis Co: Pierce WA 98433–
Landholding Agency: Army
Property Number: 21199830434
Status: Unutilized
Comment: 17,217 sq. ft., needs repair, presence of asbestos/lead paint, most recent use—veh. maint., off-site use only.

Bldg. 9794
Fort Lewis
Ft. Lewis Co: Pierce WA 98433–
Landholding Agency: Army
Property Number: 21199830435
Status: Unutilized
Comment: 210 sq. ft., needs repair, presence of asbestos/lead paint, most recent use—vet. fac., off-site use only.

Bldg. A0220
Fort Lewis
Co: Pierce WA 98433–
Landholding Agency: Army
Property Number: 21199840182
Status: Unutilized
Comment: 2284 sq. ft., needs rehab, presence of asbestos/lead paint, most recent use—recreation, off-site use only.

Bldg. 4540
Fort Lewis
Co: Pierce WA 98433–
Landholding Agency: Army
Property Number: 21199840183
Status: Unutilized
Comment: 1200 sq. ft., needs rehab, presence of asbestos/lead paint, most recent use—office, off-site use only.

Bldg. 4541
Fort Lewis
Co: Pierce WA 98433–
Landholding Agency: Army
Property Number: 21199840184
Status: Unutilized
Comment: 880 sq. ft., needs rehab, presence of asbestos/lead paint, most recent use—storage, off-site use only.

Bldg. 4542
Fort Lewis
Co: Pierce WA 98433–
Landholding Agency: Army
Property Number: 21199840185
Status: Unutilized
Comment: 112 sq. ft., needs rehab, presence of asbestos/lead paint, most recent use—heat plant, off-site use only.

Bldg. 4549
Fort Lewis
Co: Pierce WA 98433–
Landholding Agency: Army
Property Number: 21199840186
Status: Unutilized
Comment: 26220 sq. ft., needs rehab, presence of asbestos/lead paint, most recent use—green house heat plant, off-site use only.

Bldg. 6118
Fort Lewis
Co: Pierce WA 98433–
Landholding Agency: Army
Property Number: 21199840187
Status: Unutilized
Comment: 2263 sq. ft., needs rehab, presence of asbestos/lead paint, most recent use—classroom, off-site use only.

Bldg. 6191
Fort Lewis
Co: Pierce WA 98433–
Landholding Agency: Army
Property Number: 21199840188
Status: Unutilized
Comment: 3663 sq. ft., needs rehab, presence of asbestos/lead paint, most recent use—post exchange, off-site use only.

Suitable/Available Properties

LAND (by State)

Georgia

Land (Railbed)
Fort Benning
Ft. Benning Co: Muscogee GA 31905–
Landholding Agency: Army
Property Number: 21199440440
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: 21199120269
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: 21199012049
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: 21199012056
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: 21199012057
Status: Unutilized
Comment: 85 acres, road and 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: 21199012058
Status: Unutilized
Comment: 955 acres, road and utility easements, no utility hookup.

New York

Land—6.965 Acres
Dix Avenue
Queensbury Co: Warren, NY 12801–
Landholding Agency: Army
Property Number: 21199540018
Status: Unutilized
Comment: 6.96 acres of vacant land, located in industrial area, potential utilities.

Texas

Old Camp Bullis Road
Fort Sam Houston
San Antonio Co: Bexar, TX 78234–5000
Landholding Agency: Army
Property Number: 21199420461
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: 21199610788
Status: Unutilized
Comment: approx. 56.81 acres, portion in floodway, most recent use—recreation picnic park.

Suitable/Unavailable Properties

BUILDINGS (by State)

Alaska

Bldg. 47799
Fort Richardson
Ft. Richardson, AK 99505–6500
Landholding Agency: Army
Property Number: 21199810256
Status: Excess
Comment: 15,050 sq. ft., most recent use—confinement facility, off-site use only.

Georgia

Bldg. 4090
Fort Benning
Ft. Benning Co: Muscogee, GA 31905–
Landholding Agency: Army
Property Number: 21199630007
Status: Underutilized
Comment: 3530 sq. ft., most recent use—chapel, off-site use only.

Kansas

Bldg. P–295
Fort Leavenworth
Leavenworth Co: Leavenworth, KS 66027–
Landholding Agency: Army
Property Number: 21199810296
Status: Unutilized
Comment: 3480 sq. ft., concrete, most recent use—underground storage, off-site use only.

Missouri

Bldgs. 1367, 1368, 1371, 1372
Fort Leonard Wood
Ft. Leonard Wood Co: Pulaski, MO 65473–5000
Landholding Agency: Army
Property Number: 21199820173
Status: Unutilized
Comment: 4720 sq. ft., presence of asbestos/lead paint, most recent use—admin., off-site use only.

Bldg. 4970
Fort Leonard Wood
Ft. Leonard Wood Co: Pulaski, MO 65473–5000
Landholding Agency: Army
Property Number: 21199820185
Status: Unutilized
Comment: 5000 sq. ft., presence of lead paint, most recent use—storage, off-site use only.

New Mexico

Bldg. 1310
White Sands Missile Range
White Sands Co: Dona Ana, NM 88002–
Landholding Agency: Army
Property Number: 21199730304
Status: Unutilized
Comment: 4427 sq. ft., presence of asbestos, poor condition, most recent use—boy scout facility, off-site use only.

New York

Bldg. T–2215
Fort Drum
Co: Jefferson NY 13602–
Landholding Agency: Army
Property Number: 21199840161
Status: Unutilized
Comment: 7670 sq. ft., most recent use—quarters, off-site use only.

Bldg. T–2216
Fort Drum
Co: Jefferson NY 13602–
Landholding Agency: Army
Property Number: 21199840162
Status: Unutilized
Comment: 7670, sq. ft., most recent use—quarters, off-site use only.

Texas

Bldg. P–2000, Fort Sam Houston
San Antonio Co: Bexar TX 78234–5000
Landholding Agency: Army
Property Number: 21199220389
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: 21199220390
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: 21199220402
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
Co: Bexar TX 78234–5000
Landholding Agency: Army
Property Number: 21199610772
Status: Unutilized
Comment: 11568 gross sq. ft., presence of asbestos/lead base paint, most recent use—admin., off-site use only.

Suitable/Unavailable Properties

LAND (by State)

North Carolina

.92 Acre—Land
Military Ocean Terminal,
Sunny Point
Southport Co: Brunswick NC 28461–5000
Landholding Agency: Army
Property Number: 21199610728
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: 21199610729
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: 21199610730
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: 21199620685
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: 21199220438
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: 21199720207
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: 21199430254
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: 21199430255
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: 21199610669
Status: Unutilized
Comment: 10379 sq. ft., presence of asbestos, most recent use—office/storage/training.

Bldg. 36, USARC Paulsen
North Judson Co: Starke IN 46366–
Landholding Agency: Army
Property Number: 21199610670
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: 21199720208
Status: Unutilized
Comment: 3157 sq. ft., 1-story, reserve center annex and storage.

New York

Bldgs. P–1 & P–2
Olean Reserve Center
423 Riverside Drive
Olean Co: Cattaraugus NY 14760–
Landholding Agency: Army
Property Number: 21199540017
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
PFC. Robert J. Manville
USARC
1205 Lafayette Street
Ogdensburg Co: St. Lawrence NY 13669–
Landholding Agency: Army
Property Number: 21199710241
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: 21199710242
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: 21199720211
Status: Unutilized
Comment: 12907 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: 21199620740
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: 21199610645
Status: Unutilized
Comment: 5.13 acres within a light industrial park.

Tennessee

Railroad Bed
Fort Campbell
Jack Miller Blvd.
Clarksville TN
Landholding Agency: Army
Property Number: 21199840189
Status: Unutilized
Comment: approx. 6.06 acres.

Unsuitable Properties

BUILDINGS (by State)

Alabama

167 Bldgs.
Redstone Arsenal
Redstone Arsenal Co: Madison AL 35898–
Landholding Agency: Army
Property Number: 219014015, 219430266–219430273, 219430286, 219430288, 219440082, 219530034, 219530042, 219530045, 219630015–219630017, 219710163–219710170, 219720005–219720006, 219720015, 219740003, 219810011–219810023, 219820011–219820015, 21199840008–21199840013, 21199910002–21199910006
Status: Unutilized
Reason: Secured Area (some are extensively deteriorated).

109 Bldgs., Fort Rucker
Ft, Rucker Co: Dale AL 36362
Landholding Agency: Army
Property Number: 219310016, 219330003, 219340116, 219340124, 219410022, 219440094, 219520057–219520058, 2196300011, 219630014, 219640440, 219710091, 219730008–219730011, 219740004, 219740006, 219810010, 219820016–219820018, 219830001–219830007, 21199840006–21199840007, 21199910001
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.

7 Bldgs.
Anniston Army Depot
Anniston AL 36201
Landholding Agency: Army
Property Number: 219740001–219740002, 21199840001–2119840005
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.

14 Bldgs., Fort Wainwright
Ft. Wainwright AK 99703
Landholding Agency: Army
Property Number: 219710090, 219710195–219710198, 219810002–219810007
Status: Underutilized
Reason: Within 2000 ft. of flammable or explosive material; Secured Area; Floodway.

Bldg. 1501, Fort Freely
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.

29 Bldgs., Fort Richardson
Ft. Richardson AK 99505
Landholding Agency: Army
Property Number: 219710199–219710220, 219730004–219730007, 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 on I–40
Landholding Agency: Army
Property Number: 219030273–219030274, 219120175–219120181
Status: Unutilized
Reason: Secured Area.

Arkansas

7 Bldgs.
Pine Bluff Arsenal
Pine Bluff Co: Jefferson AR 71602–9500
Landholding Agency: Army
Property Number: 219420138–219420142, 219440077–2199910007
Status: Unutilized
Reason: Secured Area; Extensive deterioration.

177 Bldgs., Fort Chaffee
Ft. Chaffee Co: Sebastian AR 72905–5000
Landholding Agency: Army
Property Number: 219630019–219630029, 219640462–219640477
Status: Unutilized
Reason: Extensive deterioration.

California

Bldg. 18
Riverbank Army Ammunition Plant
5300 Claus Road
Riverbank Co: Stanislaus CA 95367–
Landholding Agency: Army
Property Number: 219012554
Status: Unutilized
Reason: Within 2000 ft. of flammable or explosive material; Secured Areas.

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. 258, 313 Fort Hunter Liggett
Ft. Hunter Liggett Co: Monterey, CA 93928
Landholding Agency: Army
Property Number: 219820019–219820020
Status: Unutilized
Reason: Secured Area; within 2000 ft. of flammable or explosive material.

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.

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, 1120
Parks Reserve Forces Training Area
Dublin Co: Alameda, CA 94568–5201
Landholding Agency: Army
Property Number: 219520056, 219830010
Status: Unutilized
Reason: Extensive deterioration.

9 Bldgs.
Sierra Army Depot
Herlong Co: Lassen, CA 96113
Landholding Agency: Army
Property Number: 219620382, 21199840015–21199840022
Status: Underutilized
Reason: Within 2000 ft. of flammable or explosive material; Secured Area.

447 Bldgs.
Camp Roberts
Camp Roberts Co: San Luis Obispo CA
Landholding Agency: Army
Property Number: 219820192–219820235
Status: Excess
Reason: Secured Area; extensive deterioration.

Bldgs. 110, 418
Presidio of Monterey Annex
Seaside Co: Monterey CA 93944
Landholding Agency: Army
Property Number: 219810380–219810381
Status: Unutilized
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.

42 Bldgs. Fort Carson
Ft. Carson Co: El Paso CO 80913–5023
Landholding Agency: Army
Property Number: 219610317, 219620400, 219710093, 219710173, 219730015, 219730017, 219830020–219830032, 21199910008–21199910010
Status: Unutilized
Reason: Extensive deterioration.

15 Storage Sheds
Pueblo Chemical Depot
Pueblo CO 81006–9330
Landholding Agency: Army
Property Number: 219830011
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.

District of Columbia

Bldgs. 50, 51, 86, 86A
Walter Reed Army Medical Center
Washington DC 20307–5001
Landholding Agency: Army
Property Number: 219830033
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.

Facility 232 Bldgs.
Fort Gordon
Augusta Co: Richmond GA 30905–
Landholding Agency: Army
Property Number: 219220269, 219320026, 219410050–219410061, 219410071–219410072, 219410092, 219410100–219410115, 219520067, 219610330–219610331, 219610336, 219630044–219630067, 219640011–219640037, 219710094, 219730019–219730020, 219810027, 219830034–219830067, 21199910011–21199910012
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.

37 Bldgs., Fort Benning
Ft. Benning Co: Muscogee GA 31905
Landholding Agency: Army
Property Number: 219520150, 219610319–219610324, 219640043–219640044,

219640046, 219720017–219720024, 219810028–219810032, 219810035, 219830071–219830083, 21199840091–21199840092
Status: Unutilized
Reason: Extensive deterioration.

3 Bldgs.
Fort Gillem
Forest Park Co: Clayton GA 30050
Landholding Agency: Army
Property Number: 219310099, 219620815, 219730029
Status: Unutilized
Reason: (Some are extensively deteriorated; most are in a secured area).

6 Bldgs., Fort Stewart
Hinesville Co: Liberty GA 31314
Landholding Agency: Army
Property Number: 219630076–219630077, 219710237, 219740012–219740014
Status: Unutilized
Reason: Extensive Deterioration.

5 Bldgs., Hunter Army Airfield
Savannah Co: Chatham GA 31409
Landholding Agency: Army
Property Number: 219610326, 219620413, 219630034, 219740010, 219830068
Status: Unutilized
Reason: Extensive deterioration.

6 Bldgs., Fort McPherson
Ft. McPherson Co: Fulton GA 30330–5000
Landholding Agency: Army
Property Number: 219620803, 219730032–219730034, 219830069
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.

Bldg. T–1305
Wheeler Army Airfield
Wahiawa HI 96857
Landholding Agency: Army
Property Number: 219610348
Status: Unutilized
Reason: Secured Area (some are extensively deteriorated).

Illinois

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.

6 Bldgs.
Charles Melvin Price Support Center
Granite City Co: Madison IL 62040
Landholding Agency: Army
Property Number: 219710096, 219820027–219820029
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, 2190120168–219120171, 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).

180 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, 219530075–530097, 219740021–219740026, 219820031–219820032
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.

13 Bldgs., Camp Atterbury
Edinburgh IN 46124
Landholding Agency: Army
Property Number: 219610351–219610352, 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
Parsons 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).

12 Bldgs.
Fort Riley
Ft. Riley Co: Geary KS 66442–
Landholding Agency: Army
Property Number: 219430040, 219610623–219610626, 219620825–219620826, 219630085, 21199910013
Status: Unutilized
Reason: 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.

Kentucky

Bldg. 126
Lexington-Blue Grass Army Depot
Lexington Co: Fayette KS 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.

18 Bldgs., Fort Knox
Ft. Knox Co: Hardin KY 40121–
Landholding Agency: Army
Property Number: 219320113–219320115, 219410146, 219630081, 219820033–219820034, 219830094–219830104
Status: Unutilized
Reason: Extensive deterioration.

13 Bldgs., Fort Campbell
Ft. Campbell Co: Christian KY 42223
Landholding Agency: Army
Property Number: 219730038, 219740031–219740038, 219810038, 21199910014–21199910016
Status: Unutilized
Reason: Extensive deterioration.

Louisiana

533 Bldgs.
Louisiana Army Ammunition Plant
Doylin Co: Webster LA 71023–
Landholding Agency: Army
Property Number: 219011668, 219011670, 219011714–219011716, 219011735–219011737, 219012112, 219013572, 219013863–219013869, 219110127, 219110131, 219110136, 219240138–219240148, 219420332, 219610049–219610263, 219620002–219620200, 219620749–219620801, 219820044–219820078
Status: Unutilized
Reason: Secured Area; (most are within 2000 ft. of flammable or explosive material); (some are extensively deteriorated).

52 Bldgs., Fort Polk
Ft. Polk Co: Vernon Parish LA 71459–7100
Landholding Agency: Army
Property Number: 219430339, 219520059, 219810039–219810061, 219820035–219820043, 219830105–219830108, 21199840033–21199840047
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.
Slater 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

157 Bldgs.
Aberdeen Proving Ground
Aberdeen City Co: Harford MD 21005–5001
Landholding Agency: Army
Property Number: 219011406–219011417, 219012610, 219012612, 219012614, 219012616–219012617, 219012625–219012629, 219012631, 219012634, 219012637–219012642, 219012645–219012650, 219012657–219012664, 219013773, 219014711–219014712, 219610477–219610480, 219610485, 219610489–219610490, 219730075–219730084, 219740065, 219810070–219810127, 219820081–219820096, 219830112, 219830114, 21199840057, 2119984059
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).

54 Bldgs. Ft. George G. Meade
Ft. Meade Co: Anne Arundel MD 20755–
Landholding Agency: Army
Property Number: 219130059, 219140460–219140461, 219310031, 219710185–219710192, 219740067–219740089, 219810063–219810069, 21199840048–21199840055, 21199910017, 211999100019
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.

Bldg. P–1001 Fort Detrick
Frederick Co: Frederick MD 21762–5000
Landholding Agency: Army
Property Number: 219830110
Status: Unutilized
Reason: Secured Area; extensive deterioration.

Massachusetts

Bldg. 3462, Camp Edwards
Massachusetts Military Reservation
Bourne Co: Barnstable MA 02462–5003
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 02462–5003
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: Unutilized
Reason: Secured Area.

Missouri

81 Bldgs.
Lake City Army Ammo. Plant
Independence Co: Jackson MO 64050–
Landholding Agency: Army
Property Number: 219013666–219013669, 219530134–219530138, 21199910023–21199910035
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).

15 Bldgs.
Fort Leonard Wood
Ft. Leonard Wood Co: Pulaski MO 65473–5000
Landholding Agency: Army
Property Number: 219140422–219140423, 219430070–219430078, 219830115–219830116, 21199910020–21199910022
Status: Underutilized
Reason: Within 2000 ft. of flammable or explosive material (Some are extensively deteriorated).

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.

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.

Minnesota

170 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, 21199840060
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.

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.

Group 101, 34 Bldgs.
Hawthorne Army Ammunition Plant Co: Mineral NV 89415–0015
Landholding Agency: Army
Property Number: 219830132
Status: Unutilized
Reason: Within 2000 ft. of flammable or explosive material; Secured Area.

New Jersey

219 Bldgs.
Armament Res. Dev. & Eng. Ctr.
Picatinny Arsenal Co: Morris NJ 07806–5000
Landholding Agency: Army
Property Number: 219010440–219010474, 219010476, 219010478, 219010639–219010665, 219010671–219010721, 219012424, 219012427–219012428, 219012430–219012431, 219012433–219012466, 219012469–219012472, 219012475, 219012760, 219012763–219012767, 219014306–219014307, 219014311, 219014313–219014321, 219140617, 219230121–219230125, 219420001–219420002, 219420006–219420008, 219530144–219530150, 219540002–219540007, 219740110–219740127
Status: Excess
Reason: Secured Area; (most are within 2000 ft. of flammable or explosive material; some are extensively deteriorated; some are in a floodway.

13 Bldgs., Military Ocean Terminal
Bayonne Co: Hudson NJ 07002–
Landholding Agency: Army
Property Number: 219013890–219013896, 219330141–219330143, 21943001, 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.

New Mexico

9 Bldgs.
White Sands Missile Range
White Sands Co: Dona Ana NM 88802
Landholding Agency: Army
Property Number: 219820098, 219820100, 21199840061–21199840067
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, 21940440–219240443
Status: Unutilized
Reason: Secured Area; 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.

Bldg. 12
Watervliet Arsenal
Watervliet NY
Landholding Agency: Army
Property Number: 219730099
Status: Unutilized
Reason: Extensive deterioration.

Bldg. 134
Watervliet Arsenal Co: Albany NY 12189–4050
Landholding Agency: Army
Property Number: 21199840068
Status: Unutilized
Reason: Secured Area.

North Carolina

22 Bldgs. Fort Bragg
Ft. Bragg Co: Cumberland NC 28307
Landholding Agency: Army
Property Number: 219620478, 219620480, 219640064, 2196400074, 219710102–219710111, 219710224, 219810167, 219830117–219830121
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

207 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, 21199840069–21199840104
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.

2 Bldgs.
Defense Supply Center
Columbus Co: Franklin OH 43216–5000
Landholding Agency: Army
Property Number: 219830134, 21199910037
Status: Unutilized
Reason: Extensive deterioration.

Oklahoma

548 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, 21199910039–21199910040
Status: Unutilized
Reason: Secured Area; some are within 2000 ft. of flammable or explosive material.

19 Bldgs.
Fort Sill
Lawton Co: Comanche OK 73503–
Landholding Agency: Army
Property Number: 219140529, 219140548, 219140550, 219440309, 219510023, 219610529, 219730342, 21199910038
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.

27 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, 219012225, 219012279, 219014304–219014305, 219014782, 219030362–219030363, 219120032, 21199840107–21199840110
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.

Bldg. T–685, Carlisle Barracks
Carlisle Co: Cumberland PA 17013
Landholding Agency: Army
Property Number: 219610530
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, 219810177–219810194, 219830137–219830138
Status: Unutilized
Reason: Extensive deterioration.

Bldg. 21
Defense Distribution Depot
New Cumberland Co: York PA 17070–5001
Landholding Agency: Army
Property Number: 219830135
Status: Unutilized
Reason: Secured Area; extensive deterioration.

Bldgs. 1017, 1018, 1019
Tobyhanna Army Depot
Tobyhanna PA
Landholding Agency: Army
Property Number: 21199840111
Status: Unutilized
Reason: Extensive deterioration.

South Carolina

76 Bldgs., Fort Jackson
Ft. Jackson Co: Richland SC 29207
Landholding Agency: Army
Property Number: 219440237, 219440239, 219510017, 219620306, 219620312, 219620317, 219620347–21962035, 219620358, 219620368, 219640138–219640152, 219640167, 219720095–219720107, 219730130–219730158, 219740138, 219820102–219820111, 219830139–219830157
Status: Unutilized
Reason: Extensive deterioration.

Tennessee

32 Bldgs.
Holston Army Ammunition Plant
Kingsport Co: Hawkins TN61299–6000
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: Secure 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.

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, 219620243–219620291, 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, 219420314–219420037, 219430093–219430097, 219440217
Status: Unutilized
Reason: Secured Area; (some are extensively deteriorated).

42 Bldgs., Fort Sam Houston
San Antonio Co: Bexar TX 78234–5000
Landholding Agency: Army
Property Number: 219330473, 219610549, 219640172, 219640177, 219640182, 219730187–219730193, 219810197–219810201, 219830198–219830205
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.

98 Bldgs. Fort Bliss
El Paso Co: El Paso TX 79916
Landholding Agency: Army
Property Number: 219640490–219640492, 219730160–219730186, 219740146, 219830161–219830197
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.

8 Bldgs.
Tooele Army Depot
Tooele Co: Tooele UT 84074–5008
Landholding Agency: Army
Property Number: 219012148–219012149, 219012152, 219012155, 219012156, 219012158, 219012751, 219240267
Status: Unutilized
Reason: Secured Area.

3 Bldgs.
Dugway Proving Ground
Dugway Co: Toole 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.

Bldgs. 3102, 5145, 8030
Deseret Chemical Depot
Tooele UT 84074
Landholding Agency: Army
Property Number: 219820119–219820121
Status: Unutilized
Reason: Secured Area, extensive deterioration.

Virginia

320 Bldgs.
Radford Army Ammunition Plant
Radford Co: Montgomery VA 24141–
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, 219830223–21930267
Status: Unutilized
Reason: Within 2000 ft. of flammable or explosive material; Secured Area.

13 Bldgs.
Radford Army Ammunition Plant
Radford Co: Montgomery VA 24141–
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.

82 Bldgs.
U.S. Army Combined Arms Support Command
Fort Lee Co: Prince George VA 23801–
Landholding Agency: Army
Property Number: 219240107, 219330210–219330211, 2129330219–219330220, 219330225–219330228, 219520062, 219610595, 219610597, 219620497, 219620505, 219620863–219620876, 219630115, 219640188, 219640497, 219740155–219740160, 219830206–219830210, 21199910041–21199910043
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
Fort A.P. Hill
Bowling Green Co: Carolina VA 22427
Landholding Agency: Army
Property Number: 219510030, 219610588
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.

22 Bldgs.
Fort Belvoir
Ft. Belvoir Co: Fairfax VA 22060–5116
Landholding Agency: Army
Property Number: 219830217–219830221, 21199910044–21199910061
Status: Unutilized
Reason: Extensive deterioration.

23 Bldgs.
Fort Story
Ft. Story Co: Princess Ann VA 23459
Landholding Agency: Army
Property Number: 219640506, 219710193, 219820122–219820126
Status: Unutilized
Reason: Extensive deterioration.

Washington

180 Bldgs., Fort Lewis
Ft. Lewis Co: Pierce WA 98433–5000
Landholding Agency: Army
Property Number: 219610001, 219610006–219610007, 219610009–219610010, 219610012, 2196100042–219610046, 219620509–219620517, 219640193, 219710194, 219720142–219720151, 219810205–219810243, 219820130–219820132, 21199840118–21199840123, 21199910063–21199910080
Status: Unutilized
Reason: Secured Area; extensive deterioration.

11 Bldgs., Fort Lewis
Huckleberry Creek Mountain Training Site
Co: Pierce WA
Landholding Agency: Army
Property Number: 219740162–219740172
Status: Unutilized
Reason: Extensive deterioration.

Bldgs. S–275, S–570, S–571
Fort Lawton
Seattle Co: King WA 98199
Landholding Agency: Army
Property Number: 219820133–219820134
Status: Unutilized
Reason: Secured Area; extensive deterioration.

Bldg. 415, Fort Worden
Port Angeles Co: Clallam WA 98362
Landholding Agency: Army
Property Number: 21199910062
Status: Excess
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.

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.

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.

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
Charleston 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.

2.0 Acres, Berkshire Trail
Armament Rsch., Dev., & Eng. Center
Picatinny Arsenal Co: Morris NJ 07806–5000
Landholding Agency: Army
Property Number: 21199910036
Status: Underutilized
Reasons: Within 200 ft. of flammable or explosive material; Secured Area.

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: Pittsburg 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—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.

5.2 Acres, Fort Sam Houston
Off Winans Road
San Antonio Co: Bexar TX 78234–5000
Landholding Agency: Army
Property Number: 21199840113
Status: Underutilized
Reason: Within 2000 ft. of flammable or explosive material.

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.

Note: Property Number 77199330010 was published incorrectly in the February 5, 1999 Federal Register. It is unavailable.

[FR Doc. 99–4032 Filed 2–19–99; 8:45 am]

BILLING CODE 4210–29–M

DEPARTMENT OF THE INTERIOR

Office of the Secretary

Notice of Reservation of Colorado River Water for Use on Federally Owned Facilities and Lands in the State of Nevada

Pursuant to the authority contained in the Boulder Canyon Project Act, dated December 21, 1928 (45 Stat. 1057), as amended or supplemented; Section 301(b) of the Colorado River Basin Project Act, dated September 30, 1968 (82 Stat. 887); and consistent with the Supreme Court Opinion of June 3, 1963 (373 U.S.C. 546); the Supreme Court Decree of March 9, 1964, in *Arizona* v. *California et al.* (376 U.S. 340), as supplemented January 9, 1979 (439 U.S. 419) and April 16, 1984 (466 U.S. 144); and Contract No. 7–07–30–W0004 between the United States and the State

of Nevada, dated March 2, 1992, which was assigned to the Southern Nevada Water Authority on December 29, 1995, notice is given that there is hereby reserved to the United States out of the waters of the Colorado River the annual diversion of up to 300 acre-feet as a part of the seventh priority category to be used in Nevada at Federal facilities or on Federal lands adjacent to the Colorado River. The use of the water is for domestic purposes which include water drinking fountains, landscaping, restrooms, and other related domestic uses. The primary use of water is at Hoover Dam and its visitor facility as authorized in the Boulder Canyon Project Act of 1928, as amended or supplemented.

In times of shortage, the quantity of Colorado River water available for delivery under this reservation will be accorded equal priority with other holders in the seventh priority category within the State of Nevada.

The aforesaid reservation of water is subject to:

(a) The provisions of the Colorado River Compact signed in Santa Fe, New Mexico, November 24, 1922;

(b) The provisions of the Boulder Canyon Project Act of December 21, 1928 (45 Stat. 1057), as amended or supplemented;

(c) The provisions of the Supreme Court Opinion, dated June 3, 1963 (373 U.S. 546), and the Supreme Court Decree of March 9, 1964, in *Arizona* v. *California et al.* (376 U.S. 340), as supplemented January 9, 1979 (439 U.S. 419) and April 16, 1984 (466 U.S. 144);

(d) The provisions of the Mexican Water Treaty, signed in Washington, DC, February 3, 1944, and Minute 242 of the International Boundary and Water Commission, United States and Mexico, dated August 30, 1973;

(e) The provisions of Section 301(b) of the Colorado River Basin Project Act of September 30, 1968 (82 Stat. 887); and

(f) Contract No. 7–07–30–W0004, dated March 2, 1992.

The aforesaid reservation of water does not preclude the United States from exercising its authority under Section 1 of the Boulder Canyon Project Act, dated December 21, 1928 (45 Stat. 1057), as amended or supplemented.

For further information, you may contact Mr. Steven C. Hvinden, Water Administration Manager, Bureau of Reclamation, in writing, at P.O. Box 61470, Boulder City, Nevada 89006, or by telephone at 702–293–8536.

Dated: November 9, 1998.

Bruce Babbitt,

Secretary of the Interior.

[FR Doc. 99–4248 Filed 2–19–99; 8:45 am]

BILLING CODE 4310–94–M

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

[WO–260–09–1060–00–24 1A]

Wild Horse and Burro Advisory Board; Call for Nominations

AGENCY: Bureau of Land Management, Interior.

ACTION: Notice of intent.

SUMMARY: The Bureau of Land Management (BLM) announces that the Secretaries of the Interior and Agriculture are requesting nominations to fill vacant membership on the Wild Horse and Burro Advisory Board. One candidate is being sought to fill the vacancy on the nine person advisory board which has occurred because of the resignation of the member representing livestock management. The person selected will serve out the remaining balance of the two-year term that will run through December 1999.

DATES: Interested persons should submit nominations no later than March 24, 1999.

ADDRESSES: Bureau of Land Management, WO–260 (L. Delaney), Mail Stop 314 LS, 1849 C Street, NW, Washington, DC 20240.

FOR FURTHER INFORMATION CONTACT: Lee Delaney, Wild Horse and Burro Group Manager, telephone 202–452–7744, e-mail: Idelaney@wo.blm.gov.

SUPPLEMENTARY INFORMATION: Under the authority of 43 CFR part 1784, the Wild Horse and Burro Advisory Board advises the Secretary of the Interior and the Director, BLM, the Secretary of Agriculture and the Chief of the Forest Service, on matters pertaining to the management and protection of wild free-roaming horses and burros on the Nation's public lands.

Any individual or organization may nominate one or more persons to serve on the Wild Horse and Burro Advisory Board. Individuals may also nominate themselves for advisory board membership. All nominations should include the name, address, profession, relevant biographic data, and reference sources for each nominee. Nominations are to be made for the livestock management position.

Pursuant to Section 7 of the Wild Free-Roaming Horses and Burros Act (Public law 92–195), members of the advisory board shall not be employees of Federal or State Government.

Members will serve without salary, but will be reimbursed for travel and per diem expenses at current rates for Government employees.

The advisory board will meet no less than two times annually. Additional meetings may be called by the Director, BLM, in connection with special needs for advice.

This notice is published in accordance with Section 9(a)(2) of the Federal Advisory Committee Act (5 U.S.C. App.).

Dated: February 17, 1999.

Tom Walker,

Deputy Assistant Director, Renewable Resources and Planning.

[FR Doc. 99–4412 Filed 2–19–99; 8:45 am]

BILLING CODE 4310–84–P

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

[ID–024–1020–01]

Notice of Availability, Proposed Plan Amendment/Environmental Assessment(EA)/Finding of No Significant Impact (FONSI), Cassia Resource Management Plan

AGENCY: Bureau of Land Management, Interior.

ACTION: Notice of Availability.

SUMMARY: A proposed land use plan amendment document for the Cassia Resource Management Plan has been completed. This plan amendment proposes to allow for the reallocation of 300 AUMs from livestock usage to bighorn sheep usage via a bighorn sheep reintroduction on public lands in Cassia County, Idaho on the Jim Sage Allotment.

Copies of the Proposed Plan Amendment/EA/FONSI are available at the Burley Field Office in Burley, Idaho. In accordance with 43 CFR 1610.5–2, any person who participated in the amendment process and has an interest which is or may be adversely affected by the approval of the amendment is allowed a 30 day period in which to protest the proposed decision to amend the land use plan identified above. Any protest must be filed within 30 days of the publication of this notice and sent to the following address: Director, Bureau of Land Management, Attention: Ms. Brenda Williams, Protests Coordinator, WO–210/LS–1075, Department of the Interior, Washington, D.C. 20240. The Overnight Mail address is: Director, Bureau of Land Management, Attention: Ms. Brenda Williams, Protests Coordinator (WO–

210), 1620 L Street, N.W., Rm. 1075, Washington, D.C. 20036 (Phone: 202–452–5110).

To expedite consideration, in addition to the original sent by mail or overnight mail, a copy of the protest may be sent by FAX to: 202–452–5112 or E-mail to bhudgens@wo.blm.gov.

The protest shall contain:

1. The mailing address, telephone number, and interest of the person filing the protest.

2. A statement of the issue or issues being protested.

3. A statement of the part or parts of the amendment being protested.

4. A copy of all documents addressing the issue or issues that were submitted during the planning process by the protesting party or an indication of the date the issues were discussed for the record.

5. A concise statement explaining why the decision is believed to be wrong.

FOR FURTHER INFORMATION CONTACT: Kurt Pavlat, Snake River Resource Area Range Conservationist, Burley Field Office, 15 E 200 S, Burley, ID 83318 (Phone: 208–678–5514).

Dated: February 10, 1999.

Kurt Pavlat,

Range Conservationist.

[FR Doc. 99–4209 Filed 2–19–99; 8:45 am]

BILLING CODE 4310–GG–P

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

[UT–930–07–1320–00]

Final Environmental Impact Statement; The Pines Federal Coal Lease

AGENCY: Bureau of Land Management (Utah), Interior.

ACTION: Availability of the Record of Decision (ROD) on final environmental impact statement to lease ''The Pines'' Federal Coal Lease Tract; Coal Lease Application UTU–76195; approve issuance of Coal Lease Modification for Lease U–63214.

SUMMARY: The Bureau of Land Management (BLM) announces it has completed the ROD and made the decision to issue the subject coal lease modification and competitively lease a Federal coal lease tract known as ''The Pines'' Tract. The areas are located in Sevier County, Utah, approximately 5 to 7 miles northwest of Emery, Utah on public land located in the Manti-LaSal National Forest. This ROD follows Manti-LaSal National Forest decisions from a ROD that provided consent for leasing and terms and conditions as provided for in 43 CFR subpart 3425.3(b). A Final Environmental Impact Statement (EIS) and ROD was completed on The Pines Project and released on January 28, 1999. The alternatives in the EIS range from no action to offering all of the area under consideration with alternative terms and conditions. The primary impacts identified were from subsidence of the surface with potential impacts on water resources and riparian vegetation that may adversely affect wildlife and livestock. The public lands included in the tracts are described as follows:

The Pines Tract (UTU–76195):

T. 20 S., R. 5 E., SLM
Section 35, S½NE¼, SE¼NW¼, NE¼SW¼, S½SW¼, SE¼;
Section 36, W½SW¼, SE¼SW¼.
T. 21 S., R. 5 E., SLM
Section 1, lots 3–4, S½SW¼, SW¼SE¼;
Section 2, lots 1–4, S½S½;
Section 10, E½;
Sections 11–14, all;
Section 15, E½;
Section 22, E½;
Section 23–24, all;
Section 25, N½, N½S½;
Section 26, N½, NE¼SW¼, E½NW¼SW¼, SE¼.
T. 21 S., R. 6 E., SLM
Section 19, lots 3–4 E½SW¼;
Section 30, lots 1–3, E½NW¼, NE¼SW¼.

Containing 7,171.66 acres more or less

Coal Lease Modification (U–64213):

T. 21 S., R. 5 E., SLM
Section 10, SE¼NW¼, E½SW¼, E½E½SW¼SW¼, E½E½NW¼SW¼, E½E½SW¼NW¼.

Containing 150 acres more or less.

The Tracts have one potentially minable coal seam, the Upper Hiawatha. The minable portions of the seam in this area are from 6 to 14 feet in thickness and average 10.9 feet. These tracts contain an estimated 65–70 million tons of recoverable high-volatile C bituminous coal. The coal quality in the seam on an ''as received basis'' is as follows: 11,539 Btu/lb., 8.37 percent moisture, 8.78 percent ash, 36.87 percent volatile matter, 45.98 percent fixed carbon, and 0.5 percent sulfur.

SUPPLEMENTARY INFORMATION: A copy of the ROD on these actions may be obtained by contacting the BLM Utah State Office, P.O. Box 45155, Salt Lake City, Utah 84145–0155.

DATES: The ROD will be available from the BLM February 22, 1999.

FOR FURTHER INFORMATION CONTACT: Contact Alan Rabinoff, 801–539–4228, Bureau of Land Management, Utah State Office, Division of Natural Resources, Salt Lake City, Utah. Copies of a Final Environmental Impact Statement that considered these leasing actions may be obtained by contacting Janette Kaiser, Forest Supervisor at the Manti-LaSal National Forest, 599 West Price River Dr. in Price, Utah (801–637–2817).

Dated: February 12, 1999.

Douglas M. Koza,

Deputy State Director for Natural Resources, Utah.

[FR Doc. 99–4088 Filed 2–19–99; 8:45 am]

BILLING CODE 4310–DQ–M

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

[ID–030–1430–01; IDI–30867]

Notice of Action—Amendment of the Pocatello Resource Management Plan (RMP)/Notice of Realty Action (NORA), Recreation and Public Purpose (R&PP) Act Classification; Bingham County, ID

AGENCY: Bureau of Land Management, Interior.

ACTION: Notice of Action/Notice of Realty Action.

NOTICE: Notice is hereby given that the BLM has amended the Pocatello RMP to allow for the disposal of certain public lands in Bingham County, Idaho.

SUMMARY: The following public lands in Bingham County, Idaho have been examined and found suitable for classification for conveyance to Bingham County under the provisions of the Recreation and Public Purpose Amendment Act of 1988. Bingham County proposes to use the land, which is legally described below, in conjunction with other lands controlled by them, for a landfill.

T. 2 S., R. 38 E., Boise Meridian
Section 5: S½NE¼NE¼SE¼, E½SW¼NE¼SE¼, SE¼NE¼SE¼

The area described contains 20 acres, more or less, in Bingham County.

The parcel is proposed to be used predominantly as a buffer area to the proposed Rattlesnake Canyon Landfill.

The above described lands are not needed for Federal purposes. The conveyance of these lands is consistent with the Pocatello RMP, as amended on February 4, 1999, and would be in the public interest.

The patent, when issued, will be subject to the following terms, conditions and reservations:

1. Provisions of the Recreation and Public Purposes Amendment Act and to all applicable regulations of the Secretary of the Interior.

2. Those rights for powerline purposes granted to Idaho Power Co. by right-of-way IDI–4250.

3. A right-of-way for ditches and canals constructed by the authority of the United States.

4. All minerals shall be reserved to the United States, together with the right to prospect for, mine and remove the minerals.

5. The patentee shall comply with all Federal and State laws applicable to the disposal, placement or release of hazardous substances.

6. The patentee, its successors or assigns, assumes all liability for and shall defend, indemnify and save harmless the United States and its officers, agents, representatives and employees (hereinafter referred to in this clause as the United States), from all claims, loss, damage, actions, causes of action, expense and liability (hereinafter referred to in this clause as claims) resulting from, brought for or on account of, any personal injury, threat of personal injury or property damage received or sustained by any person or persons (including the patentee's employees) or property growing out of, occurring or attributable, directly or indirectly, to the disposal of solid waste on, or the release of hazardous substances from (*T. 2 S., R. 38 E.,B.M., Sec. 5, S½NE¼NE¼SE¼, E½SW¼NE¼SE¼, SE¼NE¼SE¼*), regardless of whether such claims shall be attributable to: (1) the concurrent, contributory or partial fault, failure or negligence of the United States, or (2) the sole fault, failure or negligence of the United States.

7. Provided, that the title shall revert to the United States upon a finding, after notice and opportunity for a hearing, that the patentee has not substantially developed the lands in accordance with the approved plan of development on or before the date five years after the date of conveyance. No portion of the land shall, under any circumstance, revert to the United States if any such portion has been used for solid waste disposal or for any other purpose which may result in the disposal, placement or release of any hazardous substance.

8. If, at any time, the patentee transfers to another party ownership of any portion of the land not used for the purpose specified in the application and approved plan of development, the patentee shall pay the Bureau of Land Management the fair market value, as determined by the authorized officer, of the transferred portion as of the date of transfer, including the value of any improvements thereon.

9. The above-described land has been conveyed for use as a solid waste disposal site. Records describing location of cells and other information about the solid waste disposal site are available from the patentee. Solid waste commonly includes small quantities of commercial and household hazardous waste as determined in the Resource Conservation and Recovery Act of 1976, as amended (42 U.S.C. 6901), and defined in 40 CFR 261.4 and 261.5. Although there is no indication these materials pose any significant risk to human health or the environment, future land uses should be limited to those which do not penetrate the liner or final cover of the landfill unless excavation is conducted subject to applicable State and Federal requirements.

Detailed information concerning this action is available for review at the offices of the Bureau of Land Management, Pocatello Resource Area, 1111 N. 8th Avenue, Pocatello, Idaho or Snake River Resource Area, Burley Field Office, 15 E. 200 S., Burley, Idaho.

Upon publication of this notice in the **Federal Register**, the lands will be segregated from all other forms of appropriation under the public land laws, including the general mining laws, except for conveyance under the Recreation and Public Purpose Act and leasing under the mineral leasing laws. For a period of 45 days from the date of publication of this notice in the **Federal Register**, interested persons may submit comments regarding the proposed classification or conveyance of the lands to the Area Manager, Pocatello Resource Area Office, 1111 N. 8th Avenue, Pocatello, Idaho 83201–5789.

Planning protest: Any party that participated in the plan amendment and is adversely affected by the amendment may protest this action only as it affects issues submitted for the record during the planning process. The protest shall be in writing and filed with the Director, Bureau of Land Management, Attention: Ms. Brenda Williams, Protests Coordinator, WO–210/LS–1075, Department of the Interior, Washington D.C. 20240. The Overnight Mail address is: Director, Bureau of Land Management, Attention: Ms. Brenda Williams, Protests Coordinator (WO–210), 1620 L Street, N.W., Rm. 1075, Washington, D.C. 20036 [Phone: 202–452–5110]. To expedite consideration, in addition to the original sent by mail or overnight mail, a copy of the protest may be sent by: FAX to 202–452–5112 or E-mail to bhudgens@wo.blm.gov.

Classification comments: Interested parties may submit comments involving the suitability of the land for landfill purposes in Bingham County's proposed Rattlesnake Canyon Landfill. Comments on the classification are restricted to whether the land is physically suited for the proposal, whether the use will maximize the future use or uses of the land, whether the use is consistent with local planning and zoning or if the use is consistent with State and Federal programs.

Application comments: Interested parties may submit comments regarding the specific use proposed in the application and plan of development, whether the BLM followed proper administrative procedures in reaching the decision, or any other factor not directly related to the suitability of the land for landfill purposes.

Any adverse comments will be reviewed by the State Director. In the absence of any adverse comments, the classification will become effective 60 days from the date of publication of this notice in the **Federal Register**.

Dated: February 10, 1999.

Scott D. Barker,

Realty Specialist.

[FR Doc. 99–4208 Filed 2–19–99; 8:45 am]

BILLING CODE 4310–GG–P

DEPARTMENT OF THE INTERIOR

Office of Surface Mining Reclamation and Enforcement

Notice of Proposed Information Collection

AGENCY: Office of Surface Mining Reclamation and Enforcement.

ACTION: Notice and request for comments.

SUMMARY: In compliance with the Paperwork Reduction Act of 1995, the Office of Surface Mining Reclamation and Enforcement (OSM) is announcing its intention to request approval for the collections of information under 30 CFR Part 872, Abandoned mine reclamation funds; and 30 CFR Part 955 and the Form OSM–74, Certification of Blasters in Federal program States and on Indian lands.

DATES: Comments on the proposed information collection must be received by April 23, 1999, to be assured of consideration.

ADDRESSES: Comments may be mailed to John A. Trelease, Office of Surface Mining Reclamation and Enforcement, 1951 Constitution Ave, NW, Room 210—SIB, Washington, DC 20240. Comments may also be submitted electronically to jtrelease@osmre.gov.

FOR FURTHER INFORMATION CONTACT: To request a copy of the information collection request, explanatory information and related forms, contact John A. Trelease, at (202) 208–2783.

SUPPLEMENTARY INFORMATION: The Office of Management and Budget (OMB) regulations at 5 CFR 1320, which implement provisions of the Paperwork Reduction Act of 1995 (Pub. L. 104–13), require that interested members of the public and affected agencies have an opportunity to comment on information collection and recordkeeping activities (see 5 CFR 1320.8(d)). This notice identifies information collections that OSM will be submitting to OMB for approval. These collections are contained in (1) 30 CFR Part 872, Abandoned mine reclamation funds; and (2) Form OSM–74 which incorporates the requirements of 30 CFR 955, Certification of Blasters in Federal program States and on Indian lands. OSM will request a 3-year term of approval for each information collection activity.

Comments are invited on: (1) The need for the collection of information for the performance of the functions of the agency; (2) the accuracy of the agency's burden estimates; (3) ways to enhance the quality, utility and clarity of the information collection; and (4) ways to minimize the information collection burden on respondents, such as use of automated means of collection of the information. A summary of the public comments will accompany OSM's submission of the information collection request to OMB.

The following information is provided for the information collection: (1) title of the information collection; (2) OMB control number; (3) summary of the information collection activity; and (4) frequency of collection, description of the respondents, estimated total annual responses, and the total annual reporting and recordkeeping burden for the collection of information.

Title: Abandoned mine reclamation funds, 30 CFR Part 872.

OMB Control Number: 1029–0054.

Summary: 30 CFR 872 establishes a procedure whereby States and Indian tribes submit written statements announcing the State/Tribe's decision not to submit reclamation plans, and therefore, will not be granted AML funds.

Bureau Form Number: None.

Frequency of Collection: Once.

Description of Respondents: State and Tribal abandoned mine land reclamation agencies.

Total Annual Responses: 1.

Total Annual Burden Hours: 1.

Title: Certification of blasters in Federal program States and on Indian lands—30 CFR 955.

OMB Control Number: 1029–0083.

Summary: This information is being collected to ensure that the applicants for blaster certification are qualified. This information, with blasting tests, will be used to determine the eligibility of the applicant. The affected public will be blasters who want to be certified by the Office of Surface Mining Reclamation and Enforcement to conduct blasting on Indian lands or in Federal primacy States.

Bureau Form Number: OSM–74.

Frequency of Collection: On occasion.

Description of Respondents: Individuals intent on being certified as blasters in Federal program States and on Indian lands.

Total Annual Responses: 33.

Total Annual Burden Hours: 57.

Dated: February 16, 1999.

Richard G. Bryson,

Chief, Division of Regulatory Support.

[FR Doc. 99–4240 Filed 2–19–99; 8:45 am]

BILLING CODE 4310–05–M

INTERNATIONAL TRADE COMMISSION

[Investigation No. 731–TA–814 (Preliminary)]

Creatine Monohydrate From The People's Republic of China

AGENCY: United States International Trade Commission.

ACTION: Institution of antidumping investigation and scheduling of a preliminary phase investigation.

SUMMARY: The Commission hereby gives notice of the institution of an investigation and commencement of preliminary phase antidumping investigation No. 731–TA–814 (Preliminary) under section 733(a) of the Tariff Act of 1930 (19 U.S.C. 1673b(a)) (the Act) to determine whether there is a reasonable indication that an industry in the United States is materially injured or threatened with material injury, or the establishment of an industry in the United States is materially retarded, by reason of imports from the People's Republic of China (China) of creatine monohydrate (creatine), provided for in subheading 2925.20.90 of the Harmonized Tariff Schedule of the United States, that are alleged to be sold in the United States at less than fair value. Unless the Department of Commerce extends the time for initiation pursuant to section 732(c)(1)(B) of the Act (19 U.S.C. 1673a(c)(1)(B)), the Commission must reach a preliminary determination in antidumping investigations in 45 days, or in this case by March 29, 1999. The Commission's views are due at the Department of Commerce within five business days thereafter, or by April 5, 1999.

For further information concerning the conduct of this investigation and rules of general application, consult the Commission's Rules of Practice and Procedure, part 201, subparts A through E (19 CFR part 201), and part 207, subparts A and B (19 CFR part 207).

EFFECTIVE DATE: February 12, 1999.

FOR FURTHER INFORMATION CONTACT: Robert Carr (202–205–3402), Office of Investigations, U.S. International Trade Commission, 500 E Street SW., Washington, DC 20436. Hearing-impaired persons can obtain information on this matter by contacting the Commission's TDD terminal on 202–205–1810. Persons with mobility impairments who will need special assistance in gaining access to the Commission should contact the Office of the Secretary at 202–205–2000. General information concerning the Commission may also be obtained by accessing its internet server (http://www.usitc.gov).

SUPPLEMENTARY INFORMATION:

Background

This investigation is being instituted in response to a petition filed on February 12, 1999, by Pfanstiehl Laboratories, Inc., Waukegan, Illinois.

Participation in the Investigation and Public Service List

Persons (other than petitioners) wishing to participate in the investigation as parties must file an entry of appearance with the Secretary to the Commission, as provided in sections 201.11 and 207.10 of the Commission's rules, not later than seven days after publication of this notice in the **Federal Register**. Industrial users and (if the merchandise under investigation is sold at the retail level) representative consumer organizations have the right to appear as parties in Commission antidumping investigations. The Secretary will prepare a public service list containing the names and addresses of all persons, or their representatives, who are parties to this investigation upon the expiration of the period for filing entries of appearance.

Limited Disclosure of Business Proprietary Information (BPI) Under an Administrative Protective Order (APO) and BPI Service List

Pursuant to section 207.7(a) of the Commission's rules, the Secretary will make BPI gathered in this investigation available to authorized applicants representing interested parties (as

defined in 19 U.S.C. 1677(9)) who are parties to the investigation under the APO issued in the investigation, provided that the application is made not later than seven days after the publication of this notice in the **Federal Register**. A separate service list will be maintained by the Secretary for those parties authorized to receive BPI under the APO.

Conference

The Commission's Director of Operations has scheduled a conference in connection with this investigation for 9:30 a.m. on March 8, 1999, at the U.S. International Trade Commission Building, 500 E Street SW., Washington, DC. Parties wishing to participate in the conference should contact Robert Carr (202–205–3402) not later than March 4, 1999, to arrange for their appearance. Parties in support of the imposition of antidumping duties in this investigation and parties in opposition to the imposition of such duties will each be collectively allocated one hour within which to make an oral presentation at the conference. A nonparty who has testimony that may aid the Commission's deliberations may request permission to present a short statement at the conference.

Written Submissions

As provided in sections 201.8 and 207.15 of the Commission's rules, any person may submit to the Commission on or before March 11, 1999, a written brief containing information and arguments pertinent to the subject matter of the investigation. Parties may file written testimony in connection with their presentation at the conference no later than three days before the conference. If briefs or written testimony contain BPI, they must conform with the requirements of sections 201.6, 207.3, and 207.7 of the Commission's rules. The Commission's rules do not authorize filing of submissions with the Secretary by facsimile or electronic means.

In accordance with sections 201.16(c) and 207.3 of the rules, each document filed by a party to the investigation must be served on all other parties to the investigation (as identified by either the public or BPI service list), and a certificate of service must be timely filed. The Secretary will not accept a document for filing without a certificate of service.

Authority: This investigation is being conducted under authority of title VII of the Tariff Act of 1930; this notice is published pursuant to section 207.12 of the Commission's rules.

Issued: February 17, 1999.

By order of the Commission.

Donna R. Koehnke,

Secretary.

[FR Doc. 99–4311 Filed 2–19–99; 8:45 am]

BILLING CODE 7020–02–P

DEPARTMENT OF LABOR

Office of the Assistant Secretary for Policy; Agency Information Collection Activities: Proposed Collection, Comment Request; the National Agricultural Workers Survey Questionnaire Form

AGENCY: Office of the Assistant Secretary for Policy (OASP), Department of Labor.

ACTION: Notice.

SUMMARY: The Department of Labor, as part of its continuing effort to reduce paperwork and respondent burden, conducts a preclearance consultation program to provide the general public and Federal agencies with an opportunity to comment on proposed and/or continuing collections of information in accordance with the Paperwork Reduction Act of 1995 (PRA95) (44 U.S.C. 3506(c)(2)(A)). This program helps to ensure that requested data can be provided in the desired format, reporting burden (time and financial resources) is minimized, collection instruments are clearly understood, and the impact of collection requirements on respondents can be properly assessed.

Currently the Office of the Assistant Secretary for Policy is soliciting comments concerning two supplements to be used by the National Agricultural Workers Survey (NAWS). This survey has been conducted under the Office of Management and Budget (OMB) clearance since October, 1988. It is at this time conducting approximately 4,500 interviews per year. The focus has been on demographic, employment and health data. The NAWS information collection request will consist of two supplements. The first supplement will be administered to children farmworkers less than 19 years of age. The second and complementary supplement will be administered to farmworkers who are parents of U.S. based children. The purpose of these supplements is to gather in depth data on the educational barriers and labor market conditions faced by children farmworkers. This data collection was mandated by Congress.

The sampling frame and estimation procedures will not be altered by the supplements. However, adaptations may need to be made to enhance estimations of children farmworkers.

The Department of Labor is particularly interested in comments which:

- Evaluate whether the proposed collection of information is necessary for the proper functioning of government agencies charged with protecting the well being of the farmworker population, 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.

DATES: Written comment must be submitted by April 23, 1999.

ADDRESSES: Comments are to be submitted to the U.S. Department of Labor, Room S–2312, (200 Constitution Ave. NW, Washington, D.C. 20210, telephone (202) 219–6197. Written comments limited to 10 pages or fewer may also be transmitted by facsimile to (202) 219–9216.

FOR FURTHER INFORMATION CONTACT: Richard Mines, Economist and Program Officer for the National Agricultural Workers Survey, Office of the Assistant Secretary of Labor, U.S. Department of Labor, Room S–2312, 200 Constitution Ave., NW, Washington, D.C. 20210. Telephone: (202) 219–6197. Copies of the referenced information collection request are available for inspection and copying and will be mailed to persons who request copies by telephoning Richard Mines at (202) 219–6197. For more information about the NAWS, consult the NAWS home page at: http://www.dol.gov/dol/asp/public/programs/agworker/naws.htm.

SUPPLEMENTARY INFORMATION:

I. Background

The NAWS began surveying farm workers in 1988, it has collected information from over 22,000 workers. The survey samples all crop farm workers in three cycles each year in order to capture the seasonality of the work. The NAWS locates and samples workers at their work sites, avoiding the well-publicized undercount of this difficult-to-find population. During the initial contact, arrangements are made to interview the respondent at home or at another convenient location.

What Information Does the NAWS Collect

• *Household and family composition.* The NAWS interview contains a family grid that asks basic demographic information for all household members, and records information about each person's education level and migration patterns.

• *Additional Demographics.* The NAWS collects a more comprehensive demographic profile of the farm worker himself including language ability, contacts in non-agricultural jobs, and parental involvement in agriculture.

• *Employment History.* The NAWS compiles a full year of information on the employment and geographic movement of the farm worker. This history covers the occupation, including task and crop if employed in agriculture, type of non-agricultural work if employed off the farm, periods of unemployment and periods abroad, and the worker's location for every week of the year preceding the interview.

• *Wages, Benefits and Working Conditions.* The NAWS collects information on payment method (piece or hourly) and wages, on health insurance, on workers compensation and unemployment insurance, and on other benefits and working conditions.

• *Health, Safety and Housing.* The NAWS gathers information on medical history, use of medical services, participation in pesticide training, and on the worker's housing arrangements.

• *Income and Assets, Social Services and Legal Status.* The NAWS questionnaire has a series of questions on personal and family income, assets held in the United States and abroad, use of social services, and legal or immigration status.

II. Current Actions

This action requests OMB approval of the paperwork requirements for adding two supplements to the NAWS survey operation.

Type of Review: Revision of a currently approved collection.

Agency: Office of the Assistant Secretary for Policy.

Title: Child Labor Supplements to the National Agricultural Workers Survey.

OMB Number: 1225–0044.

Affected Public: Farmworkers and farm employers.

Total Respondents: 6000 respondents (4,500 farmworkers receiving a full interview and 1,500 employers who will be briefly interviewed to ascertain the location of the potential worker respondents).

Frequency: Annually (The survey is administered in three 10–12 week cycles each year, beginning in October, February and May.

Total Responses: In addition to the original 4,500 responses, a supplement will be administered to approximately 1,500 parents and another supplement will be implemented with approximately 350 children. These respondents will be receiving the supplement in addition to the original survey. The supplement will be given to approximately 1,850 people.

Average Time per Response: The supplements will each take approximately 30 minutes.

Estimated Total Burden Hours: The added burden time due to the supplements will be approximately 925 hours including both the children and parents. This will be in addition to the pre-existing burden of 6,000 hours per year.

Total Annualized capital/startup costs: 0.

Total initial annual costs: (operating/maintaining systems or purchasing services): 0.

Comments submitted in response to this notice will be summarized and included in the request for Office of Management and Budget approval of the information collection request. The comments will become a matter of public record.

Dated: February 16, 1999.

Authorized Official in the Office of the Assistant Secretary for Policy.

Richard Mines,

Economist.

[FR Doc. 99–4244 Filed 2–19–99; 8:45 am]

BILLING CODE 4510–23–M

OFFICE OF MANAGEMENT AND BUDGET

Office of Federal Procurement Policy

Rescission of Office of Federal Procurement Policy Policy Letter 79–4, Contracting for Motion Picture Productions and Videotape Productions

AGENCY: Office of Management and Budget, Office of Federal Procurement Policy.

ACTION: Rescission of Office of Federal Procurement Policy (OFPP) Policy Letter 79–4, Contracting for Motion Picture Productions and Videotape Productions.

SUMMARY: Notice is hereby given that the Office of Federal Procurement Policy is rescinding Policy Letter 79–4, Contracting for Motion Picture Productions and Videotape Productions.

EFFECTIVE DATE: February 22, 1999.

FOR FURTHER INFORMATION CONTACT: Michael Gerich, Office of Federal Procurement Policy, 202–395–3501.

SUPPLEMENTARY INFORMATION: In 1979, OFPP issued OFPP Policy Letter 79–4 to designate a uniform government-wide system to be used in contracting for motion picture and videotape production, including the establishment of a Qualified Producers List to enhance competition. Management studies in the 1970s indicated dissatisfaction with the policies and procedures the government followed when contracting for production of motion pictures and videotapes. In response, OFPP Policy Letter 79–4 was developed to: reduce perceived waste and inefficiency in contracting for such services; ensure that the government obtains such services at fair, competitive prices; provide a central point within the government where interested persons can obtain information on relevant contracting procedures and opportunities; and increase competition for these contracts. However, changes over the last 19 years in both the marketplace for these services and procurement laws and regulations make the Policy Letter obsolete. Today there are thousands of commercial producers of motion picture and videotape productions, competition is the norm, contracting officers routinely obtain past performance information, and Internet access as well as other marketplace tools provide sources of supply. It is no longer cost-effective or efficient for the government to maintain an office dedicated to evaluating contractors and maintaining a Qualified Producers List in this commercial environment.

OFPP issued a notice of proposed rescission of the Policy Letter that was published in the **Federal Register** on September 25, 1998 (63 FR 51378). Only one comment was received in response to the notice. That comment fully supported rescission of the Policy Letter. Accordingly, OFPP Policy Letter 79–4 is hereby rescinded.

The executive agent for Policy Letter 79–4, Defense Visual Information, is developing a world wide website that will contain an Interested Producers List (IPL) as well as links to other sites for current, up to date and valuable solicitation information. Thus, while a Qualified Producers List will no longer be a requirement, all persons or firms interested in doing business with the government will have access to, as a convenience, databases designed to promote the exchange of information for procurement of motion picture, video and multimedia productions. This virtual clearing house of information

will provide federal agencies with a valuable information resource and will provide audiovisual and multimedia producers a forum, the IPL, to present their production capabilities, technical skills, experience, and subject matter expertise in a searchable on-line database. Access the website, http://dodimagery.afis.osd.mil and select ''Order/Initiate VI Production'' for more information on the IPL website.

Deidre A. Lee,

Administrator.

[FR Doc. 99–4235 Filed 2–19–99; 8:45 am]

BILLING CODE 3110–01–P

NATIONAL CREDIT UNION ADMINISTRATION

Sunshine Act Meeting

TIME AND DATE: 1:00 p.m., Wednesday, February 24, 1999.

PLACE: Board Room, 7th Floor, Room 7047, 1775 Duke Street, Alexandria, VA 22314–3428.

STATUS: Open.

BOARD BRIEFING:

1. Insurance Fund Report.

MATTER TO BE CONSIDERED:

1. Reprogramming of 1999 Budgeted Funds.

RECESS: 1:45 p.m.

TIME AND DATE: 2:00 p.m., Wednesday, February 24, 1999.

PLACE: Board Room, 7th Floor, Room 7047, 1775 Duke Street, Alexandria, VA 22314–3428.

STATUS: Closed.

MATTERS TO BE CONSIDERED:

1. Administrative Action under Sections 208 and 207 of the Federal Credit Union Act. Closed pursuant to exemptions (4), (7), (8), (9)(A)(ii), and (9)(B).

2. Administrative Action under Part 745 of NCUA's Rules and Regulations. Closed pursuant to exemption (6).

3. Appeal from a Federal Credit Union of the Regional Director's Denial of a Community Charter. Closed pursuant to exemption (8).

4. Three (3) Personnel Actions. 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. 99–4381 Filed 2–18–99; 8:45 am]

BILLING CODE 7535–01–M

SECURITIES AND EXCHANGE COMMISSION

Sunshine Act Meetings

Notice is hereby given, pursuant to the provisions of the Government in the Sunshine Act, Pub. L. 94–409, that the Securities and Exchange Commission will hold the following meetings during the week of February 22, 1999.

Open meetings will be held on Tuesday, February 23, 1999 and Wednesday, February 24, 1999, from 9:00 a.m. to 5:00 p.m. A closed meeting will be held on Thursday, February 25, 1999, at 11:00 a.m.

Commissioners, Counsel to the Commissioners, the Secretary to the Commission, and recording secretaries will attend the closed meeting. Certain staff members who have an interest in the matters may also be present.

The General Counsel of the Commission, or his designee, has certified that, in his opinion, one or more of the exemptions set forth in 5 U.S.C. 552b(c)(4), (8), (9)(A) and (10) and 17 CFR 200.402(a)(4), (8), (9)(i) and (10), permit consideration of the scheduled matters at the closed meeting.

Commissioner Carey, as duty officer, voted to consider the items listed for the closed meeting in a closed session.

The subject matter of the open meetings, scheduled for Tuesday, February 23, 1999 and Wednesday, February 24, 1999, from 9:00 a.m. to 5:00 p.m., will be:

Roundtable discussion on the role that independent investment company directors play in protecting the interests of fund shareholders. Independent directors, senior fund executives, legal counsel, investor advocates, academics, and others will examine this role and work toward recommendations to improve the current system of fund governance. For further information, please contact Mercer Bullard at (202) 942–0565.

The subject matter of the closed meeting scheduled for Thursday, February 25, 1999, at 11:00 a.m., will be:

Institution of administrative proceedings of an enforcement nature

Institution of injunctive actions

Formal order of investigation

Opinion

At times, changes in Commission priorities require alterations in the scheduling of meeting items. For further information and to ascertain what, if any, matters have been added, deleted or postponed, please contact: The Office of the Secretary at (202) 942–7070.

Dated: February 18, 1999.

Jonathan G. Katz,

Secretary.

[FR Doc. 99–4413 Filed 2–18–99; 12:28 pm]

BILLING CODE 8010–01–M

SECURITIES AND EXCHANGE COMMISSION

[File No. 500–1]

Shebolt International, Inc.; Order of Suspension of Trading

February 17, 1999.

It appears to the Securities and Exchange Commission that there is a lack of current, adequate and accurate information concerning the securities of Shebolt International, Inc., a Nevada shell corporation that purports to have acquired certain unnamed electronic and software companies. Questions have been raised about the adequacy and accuracy of publicly disseminated information concerning, among other things, the business prospects of Shebolt International, Inc. and the identity of the persons in control of the operations of the company.

The Commission is of the opinion that the public interest and the protection of investors require a suspension of trading in the securities of the above listed company.

Therefore, it is ordered, pursuant to Section 12(k) of the Securities Exchange Act of 1934, that trading in the above listed company is suspended for the period from 9:30 a.m. EST, February 17, 1999, through 11:59 p.m. EST, on March 2, 1999.

By the Commission.

Margaret H. McFarland,

Deputy Secretary.

[FR Doc. 99–4414 Filed 2–18–99; 2:53 pm]

BILLING CODE 8010–01–M

SECURITIES AND EXCHANGE COMMISSION

[File No. 500–1]

Redwing, Inc.; Order of Suspension of Trading

February 17, 1999.

It appears to the Securities and Exchange Commission that there is a lack of current, adequate and accurate information concerning the securities of Redwing, Inc., a Nevada shell corporation that purports to have acquired certain unnamed banking companies. Questions have been raised about the adequacy and accuracy of publicly disseminated information concerning, among other things, the

business prospects of Redwing, Inc., and the identity of the persons in control of the operations of the company.

The Commission is of the opinion that the public interest and the protection of investors require a suspension of trading in the securities of the above listed company.

Therefore, it is ordered, pursuant to Section 12(k) of the Securities Exchange Act of 1934, that trading in the above listed company is suspended for the period from 9:30 a.m. EST, February 17, 1999, through 11:59 p.m. EST, on March 2, 1999.

By the Commission.

Margaret H. McFarland,

Deputy Secretary.

[FR Doc. 99–4415 Filed 2–18–99; 2:53 pm]

BILLING CODE 8010–01–M

SECURITIES AND EXCHANGE COMMISSION

[File No. 500–1]

C.P.R. Corporation; Order of Suspension of Trading

Febuary 17, 1999.

It appears to the Securities and Exchange Commission that there is a lack of current, adequate and accurate information concerning the securities of C.P.R. Corporation, a Nevada shell corporation that purports to have acquired certain unnamed engineering and automotive companies. Questions have been raised about the adequacy and accuracy of publicly disseminated information concerning, among other things, the business prospects of C.P.R. Corporation and the identity of the persons in control of the operations of the company.

The Commission is of the opinion that the public interest and the protection of investors require a suspension of trading in the securities of the above listed company.

Therefore, it is ordered, pursuant to Section 12(k) of the Securities Exchange Act of 1934, that trading in the above listed company is suspended for the period from 9:30 a.m. EST, February 17, 1999 through 11:59 p.m. EST, on March 2, 1999.

By the Commission.

Margaret H. McFarland,

Deputy Secretary.

[FR Doc 99–4426 Filed 2–18–99; 2:16 pm]

BILLING CODE 8010–01–M

SMALL BUSINESS ADMINISTRATION

(Declaration of Disaster #3154; Amendment #2)

State of Arkansas; Disaster Area

In accordance with a notice received from the Federal Emergency Management Agency dated February 4, 1999, the above-numbered Declaration is hereby amended to include Grant and Lafayette Counties in the State of Arkansas as a disaster area as a result of damages caused by severe storms, tornadoes, high winds, and flooding beginning on January 21, 1999 and continuing through January 31, 1999.

In addition, applications for economic injury loans from small businesses located in the following contiguous counties may be filed until the specified date at the previously designated location: Columbia, Dallas, and Nevada Counties in Arkansas, and Webster Parish in Louisiana. Any counties contiguous to the above-named primary counties and not listed herein have been previously declared.

All other information remains the same, i.e., the deadline for filing applications for physical damage is March 23, 1999, and for economic injury the termination date is October 25, 1999.

(Catalog of Federal Domestic Assistance Program Nos. 59002 and 59008)

Dated: February 12, 1999.

Bernard Kulik,

Associate Administrator for Disaster Assistance.

[FR Doc. 99–4221 Filed 2–19–99; 8:45 am]

BILLING CODE 8025–01–P

SMALL BUSINESS ADMINISTRATION

(Declaration of Economic Injury Disaster #9B09)

State of New Jersey (and Contiguous Counties in the State of New York); Disaster Loan Area

Passaic County and the contiguous counties of Bergen, Essex, Morris, and Sussex in the State of New Jersey, and Orange and Rockland Counties in the State of New York constitute an economic injury disaster loan area as a result of a fire that occurred on January 11, 1999 in the Borough of Hawthorne. Eligible small businesses and small agricultural cooperatives without credit available elsewhere may file applications for economic injury assistance as a result of this disaster until the close of business on November 10, 1999 at the address listed below or other locally announced locations: U.S. Small Business Administration, Disaster Area 1 Office, 360 Rainbow Blvd, South 3rd Floor, Niagara Falls, NY 14303.

The interest rate for eligible small businesses and small agricultural cooperatives is 4 percent. The numbers assigned for economic injury for this disaster are 9B0900 for New Jersey and 9B1000 for New York.

(Catalog of Federal Domestic Assistance Program No. 59002)

Dated: February 10, 1999.

Aida Alvarez,

Administrator.

[FR Doc. 99–4220 Filed 2–19–99; 8:45 am]

BILLING CODE 8025–01–P

SMALL BUSINESS ADMINISTRATION

(Declaration of Disaster #3160)

Commonwealth of Pennsylvania; Disaster Loan Area

Cumberland County and the contiguous Counties of Adams, Dauphin, Franklin, Perry, and York in the Commonwealth of Pennsylvania constitute a disaster area as a result of damages caused by a fire that occurred on February 1, 1999 in the West Shore Farmer's Market in the City of Lemoyne. Applications for loans for physical damage from this disaster may be filed until the close of business on April 12, 1999 and for economic injury until the close of business on November 9, 1999 at the address listed below or other locally announced locations: U.S. Small Business Administration, Disaster Area 1 Office, 360 Rainbow Boulevard South, 3rd Floor, Niagara Falls, NY 14303.

The interest rates are:

[In percent]

For physical damage:	
Homeowners with credit available elsewhere	6.375
Homeowners without credit available elsewhere	3.188
Businesses with credit available elsewhere	8.000
Businesses and non-profit organizations without credit available elsewhere	4.000
Others (including non-profit Organizations) with Credit Available Elsewhere	7.000
For economic injury: Businesses and small agricultural cooperatives without credit available elsewhere	4.000

The numbers assigned to this disaster are 316005 for physical damage and 9B0800 for economic injury.

(Catalog of Federal Domestic Assistance Program Nos. 59002 and 59008)

Dated: February 9, 1999.

Aida Alvarez,

Administrator.

[FR Doc. 99–4219 Filed 2–19–99; 8:45 am]

BILLING CODE 8025–01–P

SMALL BUSINESS ADMINISTRATION

[Declaration of Disaster #3153; Amendment #2]

State of Tennessee; Disaster Area

In accordance with a notice received from the Federal Emergency Management Agency dated February 8, 1999, the above-numbered Declaration is hereby amended to include Giles County, Tennessee as a disaster area as a result of damages caused by severe storms, tornadoes, and high winds beginning on January 17, 1999 and continuing through February 1, 1999.

In addition, applications for economic injury loans from small businesses located in the following contiguous counties may be filed until the specified date at the previously designated location: Lincoln County, Tennessee, and Lauderdale and Limestone Counties in Alabama. Any counties contiguous to the above-named primary counties and not listed herein have been previously declared.

All other information remains the same, i.e., the deadline for filing applications for physical damage is March 19, 1999, and for economic injury the termination date is October 19, 1999.

The economic injury number for the State of Alabama is 9B1400.

(Catalog of Federal Domestic Assistance Program Nos. 59002 and 59008)

Dated: February 12, 1999.

Bernard Kulik,

Associate Administrator for Disaster Assistance.

[FR Doc. 99–4222 Filed 2–19–99; 8:45 am]

BILLING CODE 8025–01–P

DEPARTMENT OF TRANSPORTATION

Office of the Secretary

Aviation Proceedings, Agreements Filed During the Week Ending February 12, 1999

The following Agreements were filed with the Department of Transportation under the provisions of 49 U.S.C. Sections 412 and 414. Answers may be filed within 21 days of date of filing.

Docket Number: OST–99–5089
Date Filed: February 8, 1999
Parties: Members of the International Air Transport Association
Subject:
PTC3 0269 dated December 11, 1998 r1–9
PTC3 0272 dated December 11, 1998 r10–17
PTC3 0274 dated December 11, 1998 r18–23
PTC3 0276 dated December 11, 1998 r24–27
PTC3 0279 dated December 11, 1998 r28–32
PTC3 0283 dated December 11, 1998 r33–48
PTC3 0287 dated December 11, 1998 r49–53
PTC3 Resolutions (including US/US Territories)
Minutes—PTC3 0294 dated January 29, 1999
Tables—PTC3 Fares 0076 dated December 22, 1998
PTC3 Fares 0077 dated January 5, 1999
PTC3 Fares 0078 dated January 5, 1999
PTC3 Fares 0080 dated January 15, 1999
Corrections—PTC3 0290 dated January 5, 1999
PTC3 Fares 0082 dated January 15, 1999
PTC3 Fares 0084 dated January 29, 1999
Intended effective date: April 1, 1999.

Docket Number: OST–99–5090
Date Filed: February 8, 1999
Parties: Members of the International Air Transport Association
Subject:
PTC3 Telex Mail Vote 986
Excursion/GIT fares from Taiwan to Japan
Intended effective date: April 1, 1999.

Dorothy W. Walker,

Federal Register Liaison

[FR Doc. 99–4281 Filed 2–19–99; 8:45 am]

BILLING CODE 4910–62–P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

Aviation Rulemaking Advisory Committee Meeting on Airport Certification Issues

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Notice of meeting.

SUMMARY: The FAA is issuing this notice to advise the public of a meeting of the Federal Aviation Administration Aviation Rulemaking Advisory Committee to discuss airport certification issues.

DATES: The meeting will be held on March 9, 1999, at 9:00 a.m. Arrange for oral presentations by February 26, 1999.

ADDRESS: The meeting will be held at the Federal Aviation Administration (FOB–10A), Room 600E, 800 Independence Avenue, SW, Washington, DC 20591.

FOR FURTHER INFORMATION CONTACT: Ms. Marisa Mullen, Federal Aviation Administration, Office of Rulemaking (ARM–205), 800 Independence Avenue, SW., Washington, DC 20591; telephone (202) 267–7653, fax (202) 267–5075.

SUPPLEMENTARY INFORMATION: Pursuant to § 10(a)(2) of the Federal Advisory Committee Act (Pub. L. 92–463; 5 U.S.C. App. II), notice is hereby given of a meeting of the Aviation Rulemaking Advisory Committee to be held on March 9, 1999, at the Federal Aviation Administration (FOB–10A), Room 600E, 800 Independence Avenue, SW, Washington, DC 20591.

The agenda for this meeting will include:

(1) A status report on the Friction Measurement and Signing Working Group tasking;

(2) A discussion [and vote] on the ''Runway Friction Measurement'' draft notice of proposed rulemaking (NPRM);

(3) A discussion of future meeting dates, locations, activities, and plans.

Copies of materials which will be presented for discussion and vote may be obtained by contacting Marisa Mullen at the address, telephone number, or facsimile number provided in the **FOR FURTHER INFORMATION CONTACT** section.

Attendance is open to the interested public, but will be limited to the space available. The public must make arrangements by February 26, 1999, to present oral statements at the meeting. The public may present written statements to the committee at any time by providing 25 copies to the Executive Director, or by bringing the copies to the meeting. In addition, sign and oral interpretation can be made available at the meeting, as well as an assistive listening device, if requested 10 calendar days before the meeting. Arrangements may be made by contacting the person listed under the heading **FOR FURTHER INFORMATION CONTACT**.

Issued in Washington, DC, on February 11, 1999.

Benedict D. Castellano,

Acting Assistant Executive Director for Airport Certification Issues, Aviation Rulemaking Advisory Committee.

[FR Doc. 99–4168 Filed 2–19–99; 8:45 am]

BILLING CODE 4910–03–M

DEPARTMENT OF TRANSPORTATION

Federal Highway Administration

Environmental Impact Statement: Ketchikan, Alaska

AGENCY: Federal Highway Administration (FHWA), DOT.

ACTION: Notice of intent.

SUMMARY: The FHWA is issuing this notice to advise the public that an environmental impact statement will be prepared for a proposed bridge project in Ketchikan, Alaska.

FOR FURTHER INFORMATION CONTACT: James A. Bryson, Realty/Environmental Officer, Federal Highway Administration, Alaska Division, 709 West 9th Street, P.O. Box 21648, Juneau, Alaska 99802–1648, Telephone: (907) 586–7430 or Al Steininger, Engineering Manager, State of Alaska, Department of Transportation and Public Facilities, Statewide Engineering and Design Services Division, Southeast Region, 6860 Glacier Highway, Juneau, Alaska 99801–7999, Telephone (907) 465–4411, EMAIL: Al__Steininger@dot.state.ak.us.

SUPPLEMENTARY INFORMATION: The FHWA in cooperation with the State of Alaska Department of Transportation and Public Facilities (ADOT&PF) will prepare an environmental impact statement (EIS) on a proposal to construct a bridge or bridges between Gravina Island and Revillagigedo Island in Ketchikan, Alaska. This is a high priority project authorized by the Transportation Equity Act for the 21st Century (TEA–21).

The proposed action would improve access to the Ketchikan International Airport and developable lands on Gravina Island. Alternatives under consideration include taking no action; various bridge alternatives, and an underwater tunnel. Several crossing alignments are under consideration.

Letters describing the proposed action and soliciting comments will be sent to appropriate Federal, State, and local agencies and to private organizations and citizens who have previously expressed or are known to have interest in this proposal. A series of public meetings will be held in Ketchikan between June and August 1999. In addition, a public hearing will be held. Public notice will be given of the time and place of the meetings and hearing. The draft EIS will be available for public and agency review and comment prior to the public hearing.

This project will be developed in accordance with the Interagency Working Agreement to Integrate Section 404 and Related Permit Requirements into the National Environmental Policy Act. This agreement integrates the U.S. Army Corps of Engineers, 404 permit process with the FHWA NEPA process on highway projects in Alaska.

To ensure that the full range of issues related to this proposed action are addressed and all significant issues identified, comments, and suggestions are invited from all interested parties. Comments or questions concerning this proposed action and the EIS should be directed to the FHWA or the ADOT&PF at the addresses provided above.

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

Issued: February 11, 1999.

Stephen A. Moreno,

Division Administrator.

[FR Doc. 99–4210 Filed 2–19–99; 8:45 am]

BILLING CODE 4910–22–M

DEPARTMENT OF TRANSPORTATION

Federal Highway Administration

[FHWA Docket No. FHWA–1999–5093]

Transportation Equity Act for the 21st Century; Innovative Bridge Research and Construction Program; Public Meeting and Request for Comments

AGENCY: Federal Highway Administration (FHWA), DOT.

ACTION: Public meeting; request for comments.

SUMMARY: The FHWA is announcing a public meeting to solicit information that will assist the agency in implementing section 5103 of the Transportation Equity Act for the 21st Century (TEA–21) which established the innovative bridge research and construction program. The new statutory language requires the Secretary of Transportation, represented by the FHWA, to make grants to, and enter into cooperative agreements and contracts with States and other Federal agencies, universities and colleges, private sector entities, and nonprofit organizations to pay the Federal share of the cost of research, development, and technology transfer concerning innovative materials; and States to pay the Federal share of the cost of repair, rehabilitation, replacement, and new construction of bridges or structures that demonstrate the application of innovative materials. The FHWA recognizes the public's interest in how the agency evaluates and selects projects to be funded. For this reason, we are scheduling a public meeting to obtain comments and ideas from interested persons to assist the FHWA in implementing section 5103 expeditiously.

DATES: The public meeting will be held on Friday, February 26, 1999, from 8 a..m. to 4 p.m., c.t. Comments to the docket must be received on or before March 12, 1999.

ADDRESSES: The public meeting will be held at the O'Hare Marriott Hotel, 8535 W. Higgins Road, Chicago, Il 60631, Telephone: (773) 693–4444.

Comments to the docket must refer to the docket number appearing at the top of this document and must be submitted to the Docket Clerk, U.S. DOT Dockets, Room PL–401, 400 Seventh Street, SW., Washington, DC 20590–0001. All comments received will be available for examination at the above address between 9 a.m. and 5 p.m., e.t., Monday through Friday, except Federal holidays. Those desiring notification of receipt of comments must include a self-addressed, stamped envelope or postcard.

FOR FURTHER INFORMATION CONTACT: Mr. John Hooks, Office of Bridge Technology, (202) 366–6712; or Mr. Wilbert Baccus, Office of the Chief Counsel, (202) 366–1396; Federal Highway Administration, 400 Seventh Street, SW., Washington, DC 20590. Office hours are from 7:45 a.m. to 4:15 p.m., e.t., Monday through Friday except Federal holidays.

SUPPLEMENTARY INFORMATION:

Electronic Access

Internet users can access all comments received by the U.S. DOT Dockets, Room PL–401, by using the universal resource locator (URL): *http://dms.dot.gov*. It is available 24 hours each day, 365 days each year. Please follow the instructions online for more information and help.

An electronic copy of this document may be downloaded using a modem and suitable communications software from the Government Printing Office's Electronic Bulletin Board Service at (202) 512–1661. Internet users may reach the **Federal Register**'s home page at: *http://www.nara.gov/fedreg* and the Government Printing Office's web page at: *http://www.access.gpo.gov/nara*.

Further information on the Innovative Bridge Research and Construction Program including project selections for FY 1998–99 will be found on the FHWA's web page at *http://www.fhwa.dot.gov/bridge*.

Background

On November 4, 1998, at 63 FR 59621, a notice was published on implementation information for Innovative Bridge Research and Construction Program funds [Pub. L. 105–178, 112 Stat. 107, 428 (1998), codified at 23 U.S.C. 503(b)]. This notice described the legislative basis for the program and the process for application for program funds for the fiscal years of 1998 and 1999. The notice further advised that the Secretary will select and approve applications based on whether the project that is the subject of the grant meets the goals of the program. The notice also advised that the Federal share of the cost of a project under this program will be determined by the Secretary and may include funds for preliminary engineering and performance evaluation.

The FHWA recognizes the public's interest in how the agency evaluates and selects projects to be funded. For that reason, we are scheduling a public meeting to obtain comments and ideas from interested persons to assist the FHWA in implementing section 5103 expeditiously. Oral statements and comments made by the participants during the course of the meeting will be recorded and incorporated into the official proceedings. Written comments will be accepted and placed in the public docket along with a transcript of the meeting. All docket comments and meeting transcripts will subsequently be available for review in the DOT Docket room.

During the hearing we plan to discuss all relevant issues concerning the evaluation, selection and funding of projects which meet the goals of the innovative bridge research and construction program.

Authority: 23 U.S.C. 315 and 503(b); 49 CFR 1.48.

Issued on: February 16, 1999.

Henry H. Rentz,

Director of Program Administration.

[FR Doc. 99–4314 Filed 2–19–99; 8:45 am]

BILLING CODE 4910–22–P

DEPARTMENT OF TRANSPORTATION

National Highway Traffic Safety Administration

Research and Development Programs Meeting

AGENCY: National Highway Traffic Safety Administration, DOT.

ACTION: Notice.

SUMMARY: This notice announces a public meeting at which NHTSA will describe and discuss specific research and development projects. Further, the notice requests suggestions for topics to be presented by the agency.

DATES AND TIMES: The National Highway Traffic Safety Administration will hold a public meeting devoted primarily to presentations of specific research and development projects on March 18, 1999, beginning at 1:30 p.m. and ending at approximately 5:00 p.m. The deadline for interested parties to suggest agenda topics is 4:15 p.m. on March 3, 1999. Questions may be submitted in advance regarding the agency's research and development projects. They must be submitted in writing by March 5, 1999, to the address given below. If sufficient time is available, questions received after the March 5 date will be answered at the meeting during the discussion period. The individual, group, or company asking a question does not have to be present for the question to be answered. A consolidated list of answers to questions submitted by March 5 will be available at the meeting and will be mailed to requesters after the meeting.

ADDRESSES: The meeting will be held at the Clarion Hotel, 9191 Wickham Road, Romulus, MI. Suggestions for specific R&D topics as described below and questions for the March 18, 1999, meeting relating to the agency's research and development programs should be submitted to the Office of the Associate Administrator for Research and Development, NRD–01, National Highway Traffic Safety Administration, Room 6206, 400 Seventh St., S.W., Washington, DC 20590. The fax number is (202) 366–5930.

SUPPLEMENTARY INFORMATION: In recent years, since April 1993, NHTSA has provided detailed information about its research and development programs in presentations at a series of public meetings. The purpose is to make available more complete and timely information regarding the agency's research and development programs. This is the twenty-third meeting in that series, and it will be held on March 18, 1999, at the Clarion Hotel, 9191 Wickham Road, Romulus, MI.

NHTSA requests suggestions from interested parties on the specific agenda topics to be presented. NHTSA will base its decisions about the agenda, in part, on the suggestions it receives by close of business at 4:15 p.m. on March 3, 1999. Before the meeting, it will publish a notice with an agenda listing the research and development topics to be discussed. The agenda can also be obtained by calling or faxing the information numbers or at the E-mail address listed elsewhere in this notice, or from NHTSA's Web site under Announcements/Public Meetings at URL http://www.nhtsa.dot.gov/nhtsa/announce/meetings/. NHTSA asks that the suggestions be limited to six, in priority order, so that the presentations at the March 18 R&D meeting can be most useful to the audience. Specific R&D topics are listed below. Many of these topics have been discussed at previous meetings. Suggestions for agenda topics are not restricted to this listing, and interested parties are invited to suggest other R&D topics of specific interest to their organizations. Additionally, if any interested parties would like to make a presentation regarding technical issues concerning any of NHTSA's research programs, information concerning the proposed topic and speaker should be submitted in writing by close of business March 3, 1999.

Specific R&D topics are: Fiscal Year 1999 R&D Research Efforts, International Harmonized Research Activities (IHRA), On-line tracking system for NHTSA's research projects, and Crash Injury Research and Engineering Network (CIREN).

Specific Crashworthiness R&D topics are: Status of advanced air bag research, Demonstration of CD ROM for child restraint/vehicle compatibility, Preparation of new dummies for assessment of advanced air bag technology, Status of research on restraint systems for rollover protection, Improved frontal crash protection (program status, problem identification, offset testing), Advanced glazing research, Vehicle aggressivity and fleet compatibility, Upgrade side crash protection, Upgrade seat and occupant restraint systems, Child restraint/air bag interaction (CRABI) dummy testing, Truck crashworthiness/occupant protection, National Transportation Biomechanics Research Center (NTBRC), Head and neck injury research, Lower extremity injury research, Thorax injury research, Human injury simulation and analysis, Refinements to the Hybrid III dummy, and Advanced frontal test dummy.

Specific Crash Avoidance R&D topics are: National Advanced Driving Simulator (NADS), Intelligent vehicle initiative, Status and plans for anti-lock brake system (ABS) research and testing, Human factors guidelines for crash avoidance warning devices, Drowsy driver monitoring, Driver workload assessment, Rearend collision avoidance system guidelines, Road departure collision avoidance system guidelines, Intersection collision avoidance system

guidelines, Lane change/merge collision avoidance system guidelines.

National Center for Statistics and Analysis (NCSA) topic is: Special crash investigation studies of air bag cases.

Separately, questions regarding research projects that have been submitted in writing not later than close of business on March 5, 1999, will be answered. The summary minutes of the meeting, copies of materials handed out at the meeting, and answers to the questions submitted for response at the meeting will be available for public inspection in the DOT Docket in Washington, DC, within 3 weeks after the meeting. Copies of this material will then be available at ten cents a page upon request to DOT Docket, Room PL–401, 400 Seventh Street, S.W., Washington, DC 20590. The DOT Docket is open to the public from 10:00 a.m. to 5:00 p.m. The summary minutes, handouts, and answers to the questions will also be available on NHTSA's Web site at Announcements/Public Meetings at URL http://www.nhtsa.dot.gov/nhtsa/announce/meetings/.

NHTSA will provide technical aids to participants as necessary, during the Research and Development Programs Meeting. Thus, any person desiring the assistance of ''auxiliary aids'' (e.g., sign-language interpreter, telecommunication devices for deaf persons (TTDs), readers, taped texts, braille materials, or large print materials and/or a magnifying device), please contact Rita Gibbons by telephone on (202) 366–4862, by telefax on (202) 366-5930, or by E-mail at rgibbons@nhtsa.dot.gov by close of business March 8, 1999.

FOR FURTHER INFORMATION CONTACT: Rita Gibbons, Staff Assistant, Office of Research and Development, 400 Seventh Street, S.W., Washington, DC 20590. Telephone: (202) 366–4862. Fax number: (202) 366–5930. E-mail: rgibbons@nhtsa.dot.gov.

Issued: February 12, 1999.

Raymond P. Owings,

Associate Administrator for Research and Development.

[FR Doc. 99–4275 Filed 2–19–99; 8:45 am]

BILLING CODE 4910–59–P

DEPARTMENT OF THE TREASURY

Submission for OMB Review; Comment Request

February 10, 1999.

The Department of Treasury has submitted the following public information collection requirement(s) to OMB for review and clearance under the Paperwork Reduction Act of 1995, Public Law 104–13. Copies of the submission(s) may be obtained by calling the Treasury Bureau Clearance Officer listed. Comments regarding this information collection should be addressed to the OMB reviewer listed and to the Treasury Department Clearance Officer, Department of the Treasury, Room 2110, 1425 New York Avenue, NW., Washington, DC 20220.

DATES: Written comments should be received on or before March 24, 1999 to be assured of consideration.

Internal Revenue Service (IRS)

OMB Number: 1545–1622.

Form Number: IRS Form 8866.

Type of Review: Extension.

Title: Interest Computation Under the Look-Back Method for Property Depreciated Under the Forecast Method.

Description: Taxpayers depreciating property under the income forecast method and placed in service after September 13, 1995, must use Form 8866 to compute and report interest due or to be refunded under Internal Revenue Code (IRC) 167(g)(2). The IRS uses Form 8866 to determine if the interest has been figured correctly.

Respondents: Individuals or households, Business or other for-profit.

Estimated Number of Respondents/Recordkeepers: 5,000.

Estimated Burden Hours Per Respondent/Recordkeeper:

Recordkeeping—9 hr., 34 min.

Learning about the law or the form—1 hr., 5 min.

Preparing, Copying, assembling and sending the form to the IRS—1 hr., 18 min.

Frequency of Response: Annually.

Estimated Total Reporting/Recordkeeping Burden: 59,800 hours.

Clearance Officer: Garrick Shear, Internal Revenue Service, Room 5571, 1111 Constitution Avenue, NW, Washington, DC 20224.

OMB Reviewer: Alexander T. Hunt (202) 395–7860, Office of Management and Budget, Room 10202, New Executive Office Building, Washington, DC 20503.

Lois K. Holland,

Departmental Reports Management Officer.

[FR Doc. 99–4218 Filed 2–19–99; 8:45 am]

BILLING CODE 4830–01–P

DEPARTMENT OF VETERANS AFFAIRS

[OMB Control No. 2900–0103]

Agency Information Collection Activities Under OMB Review

AGENCY: Veterans Benefits Administration, Department of Veterans Affairs.

ACTION: Notice.

SUMMARY: In compliance with the Paperwork Reduction Act (PRA) of 1995 (44 U.S.C. 3501 et seq.), this notice announces that the Veterans Benefits Administration (VBA), Department of Veterans Affairs, has submitted the collection of information abstracted below to the Office of Management and Budget (OMB) for review and comment. The PRA submission describes the nature of the information collection and its expected cost and burden; it includes the actual data collection instrument.

DATE: Comments must be submitted on or before March 24, 1999.

FOR FURTHER INFORMATION OR A COPY OF THE SUBMISSION CONTACT: Ron Taylor, Information Management Service (045A4), Department of Veterans Affairs, 810 Vermont Avenue, NW, Washington, DC 20420, (202) 273–8015 or FAX (202) 273–5981. Please refer to ''OMB Control No. 2900–0103.''

SUPPLEMENTARY INFORMATION:

Title: Application for Dependency and Indemnity Compensation by Child, VA Form 21–4183.

OMB Control Number: 2900–0103.

Type of Review: Extension of a currently approved collection.

Abstract: The form is used by a child under age 18 where the surviving spouse was not, or is no longer entitled to benefits, or by a child age 18 or over, regardless of the surviving spouse's entitlement. The form is used in lieu of VA Form 21–534, Application for Dependency and Indemnity Compensation or Death Pension by Widow(er) or Child, in order to help reduce the reporting burden of a child under 18 when information about the deceased veteran's spouse is not required.

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 **Federal Register** Notice with a 60-day comment period soliciting comments on this collection of information was published on October 29, 1998 at page 58099–58100.

Affected Public: Individuals or households.

Estimated Annual Burden: 1,975 hours.

Estimated Average Burden Per Respondent: 15 minutes.

Frequency of Response: On occasion.

Estimated Number of Respondents: 7,900.

Send comments and recommendations concerning any aspect of the information collection to VA's OMB Desk Officer, Allison Eydt, OMB Human Resources and Housing Branch, New Executive Office Building, Room 10235, Washington, DC 20503, (202) 395–4650. Please refer to ''OMB Control No. 2900–0103'' in any correspondence.

Dated: December 31, 1998.

By direction of the Secretary.

Genie McCully,

Program Analyst, Information Management Service.

[FR Doc. 99–4246 Filed 2–19–99; 8:45 am]

BILLING CODE 8320–01–P

DEPARTMENT OF VETERANS AFFAIRS

[OMB Control No. 2900–0128]

Agency Information Collection Activities Under OMB Review

AGENCY: Veterans Benefits Administration, Department of Veterans Affairs.

ACTION: Notice.

SUMMARY: In compliance with the Paperwork Reduction Act (PRA) of 1995 (44 U.S.C. 3501 et seq.), this notice announces that the Veterans Benefits Administration (VBA), Department of Veterans Affairs, has submitted the collection of information abstracted below to the Office of Management and Budget (OMB) for review and comment. The PRA submission describes the nature of the information collection and its expected cost and burden; it includes the actual data collection instrument.

DATE: Comments must be submitted on or before March 24, 1999.

FOR FURTHER INFORMATION OR A COPY OF THE SUBMISSION CONTACT: Ron Taylor, Information Management Service (045A4), Department of Veterans Affairs, 810 Vermont Avenue, NW, Washington, DC 20420, (202) 273–8015 or FAX (202) 273–5981. Please refer to ''OMB Control No. 2900–0128.''

SUPPLEMENTARY INFORMATION:

Title and Form Numbers: Notice of Lapse, VA Form 29–389, and Notice of Past Due Payment, VA Form 29–389–1.

OMB Control Number: 2900–0128.

Type of Review: Reinstatement, without change, of a previously approved collection for which approval has expired.

Abstract: The forms are used by veterans to reinstate a lapsed Government Life Insurance policy. The information collected is used by VA to determine the insured's eligibility to reinstate.

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 **Federal Register** Notice with a 60-day comment period soliciting comments on this collection of information was published on September 3, 1998 at page 47085.

Affected Public: Individuals or households.

Estimated Annual Burden:

a. VA Form 29–389—3,399 hours.

b. VA Form 29–389–1—1,060 hours.

Estimated Average Burden Per Respondent:

a. VA Form 29–389—12 minutes.

b. VA Form 29–389–1—10 minutes.

Frequency of Response: On occasion.

Estimated Number of Respondents:

a. VA Form 29–389—16,993.

b. VA Form 29–389–1—6,359.

Send comments and recommendations concerning any aspect of the information collection to VA's OMB Desk Officer, Allison Eydt, OMB Human Resources and Housing Branch, New Executive Office Building, Room 10235, Washington, DC 20503, (202) 395–4650. Please refer to ''OMB Control No. 2900–0128'' in any correspondence.

Dated: November 3, 1998.

By direction of the Secretary.

Donald L. Neilson,

Director, Information Management Service.

[FR Doc. 99–4247 Filed 2–19–99; 8:45 am]

BILLING CODE 8320–01–P

federal register

Monday
February 22, 1999

Part II

Nuclear Regulatory Commission

10 CFR Part 19 et al.

Disposal of High-Level Radioactive Wastes in a Proposed Geological Repository at Yucca Mountain, Nevada; Proposed Rule

NUCLEAR REGULATORY COMMISSION

10 CFR Parts 2, 19, 20, 21, 30, 40, 51, 60, 61, and 63

RIN 3150–AG04

Disposal of High-Level Radioactive Wastes in a Proposed Geologic Repository at Yucca Mountain, Nevada

AGENCY: Nuclear Regulatory Commission.

ACTION: Proposed rule.

SUMMARY: The U.S. Nuclear Regulatory Commission (NRC) is proposing licensing criteria for disposal of spent nuclear fuel and high-level radioactive wastes in the proposed geologic repository at Yucca Mountain, Nevada. These criteria will address the performance of the repository system at Yucca Mountain, a system that must comprise both natural and engineered barriers. The proposed requirements are designed to implement a health-based, safety objective for long-term repository performance that is fully protective of the public health and safety, and the environment, and is consistent with national and international recommendations for radiation protection standards. Also included are licensing procedures, criteria for public participation, records and reporting, monitoring and testing programs, performance confirmation, quality assurance, personnel training and certification, and emergency planning. The proposed criteria will apply specifically and exclusively to the proposed repository at Yucca Mountain. Consistent with this intent, the Commission proposes to modify its generic criteria for disposal of spent nuclear fuel and high-level radioactive wastes in geologic repositories at 10 CFR Part 60 to make clear that they do not apply, nor may they be the subject of litigation, in any NRC licensing proceeding for a repository at Yucca Mountain.

DATES: Submit comments by May 30, 1999. Comments received after this date will be considered if it is practical to do so, but the NRC is able to assure consideration only for comments received on or before this date.

ADDRESSES: Comments may be sent by mail to the Secretary, U.S. Nuclear Regulatory Commission, Washington, DC 20555–0001, Attention: Rulemakings and Adjudications Staff.

Hand deliver comments to 11555 Rockville Pike, Rockville, Maryland, between 7:30 am and 4:15 pm on Federal workdays.

You may also provide comments via the NRC's interactive rulemaking web site through the NRC home page (http://www.nrc.gov). This site provides the availability to upload comments as files (any format), if your web browser supports that function. For information about the interactive rulemaking site, contact Ms. Carol Gallagher (301) 415–5905; e-mail CAG@nrc.gov.

Certain documents related to this rulemaking, including comments received and the regulatory analysis, may be examined at the NRC Public Document Room, 2120 L Street NW. (Lower Level), Washington, DC. These same documents also may be viewed and downloaded electronically via the interactive rulemaking website established by NRC for this rulemaking.

FOR FURTHER INFORMATION CONTACT: Timothy McCartin, Office of Nuclear Material Safety and Safeguards, U.S. Nuclear Regulatory Commission, Washington, DC 20555–0001, telephone (301) 415–6681; e-mail tjm3@nrc.gov, or Clark Prichard, Office of Nuclear Material Safety and Safeguards, U.S. Nuclear Regulatory Commission, Washington, DC 20555–0001, telephone (301) 415–6203; e-mail cwp@nrc.gov.

SUPPLEMENTARY INFORMATION:

I. Background
II. NAS Conclusion and Recommendations for Yucca Mountain
III. Development of a New 10 CFR Part 63
IV. Part 63 Technical Criteria
V. Individual Protection Standard for Postclosure Repository Performance
VI. Reference Biosphere and Critical Group for Yucca Mountain
VII. Compliance Period
VIII. Multiple Barriers and Defense in Depth
IX. Performance Assessment
X. Institutional Controls
XI. Human Intrusion
XII. Preclosure Performance Objective
XIII. Integrated Safety Analysis of Activities at the Geologic Repository Operations Area
XIV. Quality Assurance
XV. Emergency Planning
XVI. Changes, Tests and Experiments
XVII. Relationship to Generic Criteria at Part 60
XVIII. Section-by-Section Analysis of Part 63
XIX. Section-by Section Analysis of Changes to Other Parts
XX. Specific Questions for Public Comment
XXI. Plain Language
XXII. Finding of No Significant Environmental Impact: Availability
XXIII. Paperwork Reduction Act Statement
XXIV. Regulatory Analysis
XXV. Regulatory Flexibility Certification
XXVI. Backfit Statement

I. Background

The Nuclear Waste Policy Act of 1982 (NWPA, Public Law 97–425) directed NRC to develop technical criteria for high-level radioactive waste (HLW) disposal, in mined geologic repositories, that: provide for the use of a system of multiple barriers; include restrictions on retrievability, as the Commission deems appropriate; and are not inconsistent with environmental standards promulgated by the Environmental Protection Agency (EPA) pursuant to the NWPA. Existing NRC regulations at 10 CFR Part 60 contain generic criteria governing the licensing of the Department of Energy (DOE) to receive and possess source, special nuclear, and byproduct material at a geologic repository that is sited, constructed, and operated in accordance with NWPA. Procedural requirements at Part 60 were promulgated in 1981 (46 FR 13971; February 25, 1981), and technical criteria were promulgated in 1983 (48 FR 28194; June 21, 1983). These technical criteria were amended in 1985 to add specific criteria for disposal in the unsaturated zone (50 FR 29641; July 22, 1985). Procedural amendments reflecting the passage of the NWPA were published in 1986 (51 FR 27158; July 30, 1986), and procedures for implementation of the National Environmental Policy Act with respect to geologic repositories for HLW were added in 1989 (54 FR 27864; July 3, 1989). In 1996, NRC amended Part 60 to update generic criteria for preclosure activities at repository sites (61 FR 64267; December 4, 1996), incorporating changes that sought, in part, to achieve greater consistency between those criteria and the NRC's licensing requirements for independent storage of spent fuel and HLW at 10 CFR Part 72.

The technical criteria at Part 60 were promulgated initially, in 1983, on the assumption that EPA would issue standards limiting cumulative radionuclide releases from a geologic repository. In 1985, some 2 years after Part 60 was published, EPA issued final standards at 40 CFR Part 191, which contained not only cumulative release limits but also provided criteria for individual and ground-water protection, that had not been included in EPA's rulemaking proposal. In 1986, NRC proposed ''conforming amendments'' to incorporate the EPA standards into NRC's regulations (51 FR 22288; June 19, 1986). The proposed amendments were abandoned in 1987 when EPA's standards were vacated by the U.S. Court of Appeals. Also, in 1987, Congress amended NWPA, redirecting the national waste program to focus exclusively on the characterization of the Yucca Mountain site as a potential geologic repository.

During the more than 15 years since the initial technical criteria at 10 CFR

Part 60 were promulgated, there has been considerable evolution in the capability of technical methods for assessing the performance of a geologic repository at Yucca Mountain (''TPA 3.1-Sensitivity and Uncertainty Analyses,'' NUREG/CR–5549, in publication; ''Total System Performance Assessment—1995: An Evaluation of the Potential Yucca Mountain Repository,'' DOE, 1995). These changes allow for the use of more effective and efficient methods of analysis for evaluating conditions at Yucca Mountain than do NRC's existing generic criteria. These new methods were not envisioned when the Part 60 criteria were established, and their implementation for Yucca Mountain will avoid the imposition of unnecessary, ambiguous, or potentially conflicting criteria that could result from the application of some of the Commission's generic requirements at 10 CFR Part 60.

In 1992, Congress directed EPA, at Section 801 of the Energy Policy Act of 1992, Public Law 102–486 (EnPA), to contract with the National Academy of Sciences (NAS) to advise EPA on the appropriate technical basis for public health and safety standards governing the Yucca Mountain repository. On August 1, 1995, the NAS Committee on Technical Bases for Yucca Mountain Standards issued its report, ''Technical Bases for Yucca Mountain Standards.'' In its report, NAS recommended an approach and content that is significantly different from that adopted by EPA for its disposal standards at 40 CFR 191 (no longer applicable to sites characterized under Section 113(a) of NWPA), as well as from that adopted by NRC for its existing generic regulations at Part 60.

EPA is obligated, under EnPA, to issue final public health and safety standards for Yucca Mountain that ''prescribe the maximum annual effective dose equivalent to individual members of the public'' and that are ''based upon and consistent with'' the NAS findings and recommendations. According to EnPA, EPA's new health-based disposal standards ''* * * shall be the only such standards applicable to the Yucca Mountain site.'' After establishment of final EPA standards, NRC, under EnPA, has 1 year to modify its technical requirements and criteria under Section 121(b) of the NWPA (i.e., the current Part 60 criteria) to be consistent with new EPA standards, and also to implement certain assumptions that are specified in the EnPA with regard to the effectiveness of postclosure oversight of the repository, to the extent consistent with the NAS report. Following repository closure, EnPA requires that DOE continue its oversight of the Yucca Mountain site to ''prevent any activity at the site that poses an unreasonable risk of—(1) breaching the repository's engineered or geologic barriers; or (2) increasing the exposure of individual members of the public to radiation beyond allowable limits.'' NRC's requirements and criteria are to assume, consistent with the findings and recommendations of NAS, that such oversight will be effective.

Because NRC must carry out a rulemaking to modify its requirements for geologic repository disposal within a very short period of time following EPA publication of final standards for Yucca Mountain, the Commission believes it must undertake its own rulemaking development in parallel with development of EPA's standards. Following publication of the NAS report, NRC staff met frequently with EPA staff to discuss the report and associated issues relating to development of new EPA standards and NRC regulations. NRC is continuing to work with EPA in the development of reasonable and implementable standards for Yucca Mountain that are protective of public health and safety. The Commission believes, as noted below, that it is in the best interest of the national program to proceed with promulgation of its implementing regulations. It is recognized that when EPA issues its final standards, or if new legislation affecting the regulation of the Nation's HLW program is enacted into law, these proposed regulations may need to be amended.

At the same time, the DOE program for characterizing the Yucca Mountain site as a potential geologic repository is continuing. A viability assessment of the site was completed in December 1998. Further, it is expected that DOE will publish a draft environmental impact statement (EIS) in 1999, with a final EIS to be completed in 2000, such that a site suitability recommendation can be made in 2001. Assuming that the Yucca Mountain site can be recommended for development as a geologic repository, DOE would then submit a license application to NRC in 2002.

In order for DOE to commence preparation of a license application and to permit timely and significant public involvement in the development of implementing regulations, the Commission believes it has an obligation to make public now how it would implement dose- or risk-based standards for Yucca Mountain.

As part of its broader efforts to improve the effectiveness of its programs and processes, the Commission has a study of the NRC hearing process underway which includes the process that would be used for repository licensing. If, on the basis of this study, the Commission concludes that changes to the hearing process are warranted, it will propose them for adoption in a separate notice and comment rulemaking. In this rulemaking, the Commission is not seeking comment on potential changes to the hearing process. However, in the interest of openness, the Commission wishes to say that, at present, the Commission is inclined to provide for informal hearings for both construction authorization and licensing to receive and possess waste. No statute requires formal hearings in either case; EPA conducted none in certifying the Waste Isolation Pilot Project; and informal hearings allow for both greater efficiency and greater openness.

II. NAS Conclusions and Recommendations for Yucca Mountain

Pursuant to Section 801(a)(2) of EnPA, the NAS was directed to provide recommendations on reasonable standards for a repository at Yucca Mountain that address the following three issues:

(A) Whether a health-based standard, based on doses to individual members of the public, from releases to the accessible environment, will provide a reasonable standard for protection of the health and safety of the general public;

(B) Whether it is reasonable to assume that a system for postclosure oversight of the repository can be developed, based on active institutional controls, that will prevent an unreasonable risk of breaching the repository's engineered or geologic barriers or increasing the exposure of individual members of the public to radiation beyond allowable limits; and

(C) Whether it is possible to make scientifically supportable predictions of the probability that the repository's engineered or geologic barriers will be breached as a result of human intrusion, over a period of 10,000 years.

On August 1, 1995, NAS published its report entitled ''Technical Bases for Yucca Mountain Standards.'' The report was prepared by a committee organized under the auspices of the National Research Council, which is jointly managed by the National Academy of Sciences and the National Academy of Engineering. The committee, consisting of 15 members representing engineering, geoscience, environmental, and risk disciplines, deliberated for more than 2 years, holding five public sessions in Las Vegas, Nevada, and Washington, DC, between May 1993 and April 1994.

With regard to the three questions posed in the EnPA, the NAS made the following findings:

(A) That an individual protection standard, expressed as a limit on individual risk rather than dose, would provide a reasonable basis for protecting the health and safety of the general public provided that the policy makers and the public are prepared to accept that very low radiation doses pose a negligibly small risk. Further, NAS found that such a standard would be particularly appropriate for the Yucca Mountain site in light of the characteristics of the site.

(B) That it is not reasonable to assume that a system for post-closure oversight of the repository can be developed, based on active institutional controls, that will prevent an unreasonable risk of breaching the repository's engineered barriers or increasing the exposure of individual members of the public to radiation beyond allowable limits.

(C) That it is not possible to make scientifically supportable predictions of the probability that a repository's engineered or geologic barriers will be breached as a result of human intrusion over a period of 10,000 years.

The specific conclusions and recommendations delineated in the Executive Summary of the NAS report (pp. 1 through 14) were:

(1) The standard should set ''* * *a limit on the risk to individuals of adverse health effects from releases from the repository.'' NAS explicitly recommended against quantitative release limits because they provide no additional protection relative to that provided by an individual risk limit. NAS declined to assign the appropriate level of risk, and stated that it views the determination of this level as a crucial policy judgment that should be addressed in a transparent rulemaking process. As a starting point in such a process, NAS suggested that consideration be given to risk levels comparable to those recommended by the International Commission on Radiological Protection (ICRP) (100 mrem/yr (1 mSv/yr) maximum individual dose from all sources, with 10–30 mrem/yr (0.1–0.3 mSv/yr) allocated for high-level waste disposal) (p. 4).

(2) For specifying the individual or individuals for whom the risk calculation is to be made, the NAS recommended that the critical-group approach, as defined by ICRP and modified for individual risk, should be used. The ICRP notes that the critical group concept is intended to ensure that no individual doses are unacceptably high, since the critical group represents the extreme of the dose distribution to the entire population. The critical group risk calculated for comparison with the risk limit established in the standard, according to NAS, should be the mean of the risks to the members of a group whose location and habits are such that they are representative of those individuals expected to receive the highest doses as a result of the discharges of radionuclides. For releases expected to occur in the far future, it will be necessary to define a hypothetical group of individuals by making assumptions about lifestyle, location, eating habits, and other factors. NAS cited the ICRP recommendation that present knowledge and cautious, but reasonable, assumptions be used in defining this group of individuals (pp. 5–6).

(3) NAS recommended that compliance assessment should be conducted over a time frame that includes the period where greatest risk occurs. NAS found there to be no scientific basis for limiting the time period of an individual-risk standard (pp. 6–7).

(4) In response to issue (A) specified at Section 801(a)(2) of EnPA, NAS concluded that ''* * * an individual-risk standard would protect public health, given the particular characteristics of the [Yucca Mountain] site, provided that policy makers and the public are prepared to accept that very low radiation doses pose a negligibly small risk.'' As a suitable starting point for a determination of negligible individual risk, NAS suggested that consideration should be given to the risk equivalent of 1 mrem per year (0.01 mSv per year) as recommended by the National Council on Radiation Protection (pp. 7–8).

(5) NAS concluded that physical and geologic processes affecting Yucca Mountain ''* * * are sufficiently quantifiable and the associated uncertainties sufficiently boundable such that performance can be assessed over time frames during which the geological system is relatively stable or varies in a boundable manner.'' According to NAS, the geologic record suggests this time frame is on the order of a million years (p. 9).

(6) NAS concluded that it is not possible to predict on the basis of scientific analyses the societal factors necessary to define exposure scenarios, and that specification of such scenarios is a policy judgment best accomplished through a public rulemaking process (pp. 9–10).

(7) In response to issue (B) as specified at Section 801(a)(2) of EnPA, NAS concluded that ''* * * it is not reasonable to assume that a system for postclosure oversight, based on active institutional controls, can be developed that will prevent an unreasonable risk of breaching the repository's engineered barriers or increasing the exposure of individual members of the public to radiation beyond allowable limits.'' Despite its conclusion that there exists no scientific basis for judging whether such controls can prevent an unreasonable risk of intrusion, NAS, nonetheless, asserts that ''a collection of prescriptive requirements, including active institutional controls, record-keeping, and passive barriers and markers, would help to reduce the risk of human intrusion, at least in the near term'' (p. 11).

(8) With regard to issue (C) as specified at Section 801(a)(2) of EnPA, NAS concluded that it is not possible to make scientifically supportable predictions of the probability that the repository's engineered or geologic barriers will be breached as a result of human intrusion over a period of 10,000 years. Because NAS could not find it technically feasible to assess the probability of intrusion into a repository over the long term, NAS concluded that it is not scientifically justified to incorporate alternative scenarios of human intrusion into a fully risk-based compliance assessment (p. 11).

(9) In order to assess whether the repository's performance would be substantially degraded as a consequence of a postulated intrusion, NAS considered a ''stylized intrusion scenario consisting of one borehole of a specified diameter drilled from the surface through a canister of waste to the underlying aquifer.'' NAS recommended that ''the estimated risk calculated from the assumption of such an assumed scenario be no greater than the risk limit adopted for the undisturbed-repository case because a repository that is suitable for safe long-term disposal should be able to continue to provide acceptable waste isolation after some type of intrusion'' (p. 12).

(10) NAS concluded that ''there is no scientific basis for incorporating the ALARA [as low as is reasonably achievable] principle into the EPA standard or USNRC regulations for the repository'' (p. 13).

(11) NAS concluded that ''because it is the performance of the total system in light of the risk-based standard that is crucial, imposing subsystem performance requirements might result in suboptimal design.'' This conclusion was directed specifically to NRC, in the context of revisions NRC will need to make to its regulations in order to be consistent with a new risk-based EPA

standard for Yucca Mountain. NRC's existing generic regulations at 10 CFR Part 60 currently contain quantitative limits on the performance of specific subsystems such as those cautioned against by NAS.

III. Development of a New 10 CFR Part 63

As discussed above, the Commission is directed by EnPA to modify its requirements for geologic disposal within a very short time to implement site-specific standards for Yucca Mountain. The legislation also specifies the type of standards NRC is to implement (i.e., standards which limit individual dose, and which are based on and consistent with the NAS recommendations). In view of these constraints, the Commission is proposing to establish a new, separate part of its regulations at 10 CFR Part 63 that will apply only to the proposed repository at Yucca Mountain. The Commission is also proposing to leave its existing, generic regulations at 10 CFR Part 60 in place, modified only to indicate that they do not apply, nor may they be the subject of litigation, in any NRC licensing proceeding for a repository at Yucca Mountain. The Commission believes this to be the most direct and time-efficient approach to the specification of concise, site specific criteria for Yucca Mountain that are consistent with current assumptions, with site-specific information and performance assessment experience, and with forthcoming EPA standards that must also apply solely to Yucca Mountain.

In establishing these criteria, the Commission seeks to establish a coherent body of risk-informed, performance-based criteria for Yucca Mountain that is compatible with the Commission's overall philosophy of risk-informed, performance-based regulation. Stated succinctly, risk-informed, performance-based regulation is an approach in which risk insights, engineering analysis and judgment (e.g., defense in depth), and performance history are used to (1) focus attention on the most important activities, (2) establish objective criteria for evaluating performance, (3) develop measurable or calculable parameters for monitoring system and licensee performance, (4) provide flexibility to determine how to meet the established performance criteria in a way that will encourage and reward improved outcomes, and (5) focus on the results as the primary basis for regulatory decision-making. The Commission believes that the creation of a new part of its regulations to accomplish these objectives is preferable to modifying its generic requirements, given the fundamentally different approach laid out for Yucca Mountain by EnPA and NAS than was contemplated when the generic criteria were promulgated. More specifically, EnPA and NAS have specified an approach that would require the performance of a Yucca Mountain repository to comply with a health-based standard established in consideration of risk to a hypothetical critical group, and, further, that this would be the only quantitative standard for the post-closure performance of the repository. This approach is incompatible with the approach taken in the existing generic criteria which relies on quantitative, subsystem performance standards.

The Commission proposes to leave the existing generic requirements intact and in place, if needed, for sites other than Yucca Mountain. Although their application could be expected to be difficult, the Commission assumes that it would be afforded adequate time and resources in future years to amend its generic regulations for any additional repository site that might be authorized. Other alternatives to this approach have been considered but rejected. The Commission could defer development of proposed regulations until final EPA standards for Yucca Mountain are in place, thereby making it easier for the Commission to conform its regulations to established standards. However, the time schedule for development of the Yucca Mountain repository is aggressive, and DOE has stated that it needs to have implementing regulations in place by 2000. Only by initiating development of these regulations now can this milestone be met. Although the Commission may not know all the details of EPA's final standards at this time, the NAS recommendations with which EPA must be consistent have been public for more than 3 years.

Other options for revising NRC's generic criteria at Part 60, in addition to developing new site-specific standards for Yucca Mountain, were also considered but rejected: (1) creation of a new part for Yucca Mountain while simultaneously updating Part 60, and (2) updating Part 60 in such a way as to include a site-specific subpart for Yucca Mountain. Simultaneously revising generic criteria and developing Yucca Mountain-specific criteria would require more resources than the Commission has available at this time. Furthermore, the Commission can identify no foreseeable need for revised generic requirements and criteria because, among other things, no site other than Yucca Mountain is undergoing characterization as a HLW repository.

IV. Part 63 Technical Criteria

The foundation for the Commission's proposed technical criteria at 10 CFR Part 63 is the specification of overall performance objectives for preclosure and postclosure phases of the repository and requirements that compliance with these overall performance objectives be demonstrated through an integrated safety analysis of preclosure operations, and through a performance assessment for long-term, postclosure performance. This risk-informed, performance-based approach does not include specification of design and siting criteria or quantitative subsystem requirements; however, the Commission is proposing specific requirements for the content of the assessments to ensure their adequacy and the sufficiency of the information provided to the Commission. The Commission believes that its proposed approach ensures protection of public health and safety and provides appropriate flexibility to DOE for demonstrating compliance, while ensuring that the information required to make a licensing decision will be provided to the Commission. The Commission's consideration of specific topics related to the proposed technical criteria is elaborated further in subsequent sections of this notice.

V. Individual Protection Standard for Postclosure Repository Performance

As already stated, the authority and responsibility for setting public health and safety standards for radioactive waste disposal at Yucca Mountain rest with EPA. It is NRC's responsibility to implement those standards in its licensing actions and ensure that public health and safety are protected. The Commission is proposing an individual dose limit which it believes is generally consistent with EnPA and with the conclusions and recommendations of NAS. Although EnPA required that EPA specify a limit based on individual dose, NAS recommended a limit be established on risk to individuals (i.e., the probability that an individual or individuals receive an adverse health effect). An equivalent level of radiation protection is afforded individuals by a standard expressed either as a risk or a dose limit when the evaluation of dose or risk considers the probability of incurring a dose and both limits are based on similar dosimetry assumptions (i.e., consistent dose to health effects conversion). In previous rulemakings, the Commission has used either implicitly or explicitly a constant total effective dose equivalent to health risk

coefficient (i.e., FR 39061; July 21, 1997), and thus, for a given probability of occurrence, the health risk can be related to a unique value of dose. Additionally, the Commission is proposing an individual dose limit because the Commission believes that a dose limit may be more readily understood by the public and is the form of a standard more frequently used to regulate nuclear activities. When EPA issues final standards for Yucca Mountain or if new HLW legislation is enacted into law, the Commission will amend its criteria at 10 CFR Part 63, if necessary, to be consistent with the final standards. As a licensed, operating facility, a repository at Yucca Mountain would be subject to the existing regulations at 10 CFR Part 20 that require, among other things, doses to members of the general public to not exceed a total effective dose equivalent of (TEDE) 1 mSv (100 mrem) per year exclusive of the dose contribution from background radiation, medical procedures, and sanitary sewerage disposals. In addition, prior to permanent closure, repository operations would need to be conducted such that public exposures be maintained as low as reasonably achievable. When the repository is closed, surface facilities must be decommissioned in accordance with 10 CFR Part 20, Subpart E. Finally, during normal operations and anticipated operational occurrences, the annual dose to any real member of the public, located beyond the boundary of the site, shall not exceed a TEDE of 0.25 mSv (25 mrem). This final dose limit, used in this regulation, is adapted from the dose limits specified in 10 CFR Part 72,[1] for effluents and direct radiation during normal operations and anticipated operational occurrences, associated with a monitored retrievable storage installation (MRS). Like an MRS facility, the operations area at Yucca Mountain is expected to be a large industrial facility equipped to handle the loading, unloading, and decontamination of spent fuel and HLW shipping casks; the removal and packaging or repackaging of spent fuel assemblies and HLW canisters; and the sealing, handling, transport, stowage and periodic monitoring of canisters to contain the spent fuel and HLW during operations. Because the activities contemplated for the operations area prior to repository closure pose similar radiological hazards, during normal operations and anticipated operational occurrences, to those posed at an operating MRS, the Commission is proposing that the dose limits for the operations area be comparable to those applicable for the MRS, from planned discharges and from direct radiation during operations. (Radiation from other fuel cycle operations, anticipated for an MRS or independent spent fuel installation (ISFSI) that might be co-located with other operating nuclear facilities, is not anticipated at the operations area, because fuel cycle operations are not likely to be located in the region). The 0.25 mSv (25 mrem) limit also provides consistency with requirements for other waste management facilities (e.g., 40 CFR 191.03(a), 10 CFR 72.104, and 10 CFR 61.40) and for license termination (10 CFR 20.1402). The protection standard is consistent with the national and international recommendations for radiation protection (National Council on Radiation Protection and Measurements and International Commission on Radiological Protection). The final dose limit used in this regulation and the requirement in 10 CFR 20.1101(b) to maintain doses to members of the public that are as low as is reasonably achievable (ALARA) will fully protect the public and the environment.

To identify an appropriate objective for repository performance after permanent closure, the Commission seeks to establish a constraint that, if met, would provide reasonable assurance that doses to members of the general public will remain below acceptable levels. International guidance on dose limits suggests establishing constraint limits for specific sources (such as a HLW repository) to ensure that exposure to members of the public from all sources, excluding background radiation, is less than the public dose limit. In the case of operational releases, compliance with the requirements of 10 CFR Part 20 can be expected, based on Commission experience with its other licensed facilities, to limit effluents far below the public annual dose limit of 1 mSv (100 mrem). For postclosure exposures, the performance of the repository must depend on passive systems limiting the exposure. Therefore, the performance objective for postclosure must be established such that the public would not receive doses, from all possible sources, excluding background radiation, in excess of 1 mSv (100 mrem) per year.

The Commission proposes a limit of 0.25 mSv (25 mrem) to the total effective dose equivalent, received in a single year and weighted by the probability of occurrence, by the average member of the critical group, as the overall system performance objective for the repository, following permanent closure. This criterion would limit the dose received from all possible pathways to the critical group at Yucca Mountain, including direct exposure, drinking of contaminated water, eating food that was irrigated with contaminated groundwater or grown in contaminated soil, exposure to airborne releases, etc. The Commission believes that application of a single, all-pathway standard is protective of public health and safety, and obviates the need for separate, single pathway limits. The Commission established the 0.25 mSv (25 mrem) annual dose limit as the overall safety objective for both decommissioning of nuclear facilities (10 CFR 20.1402) and for low-level radioactive waste disposal facilities (10 CFR 61.41). It is within the range of international constraints that allocate doses from high level waste disposal to between 0.1 and 0.3 mSv (10 and 30 mrem) per year, and is comparable to the risk range recommended by NAS as a reasonable starting point for EPA's rulemaking (a risk range of between 10^{-5} and 10^{-6} per year, approximately equivalent to annual doses between 0.02 and 0.2 mSv (2 and 20 mrem)). The Commission believes that 0.25 mSv (25 mrem) per year is sufficiently below the public dose limit that no members of the public near Yucca Mountain would be expected to receive doses from all sources, excluding background radiation, in excess of 1 mSv (100 mrem) per year. Estimates of potential exposures at Yucca Mountain are expected to be probabilistic because these estimates will consider variability and uncertainty in the features and processes, and a range of events each with specific probability of occurrence over the time period of interest at the site. The Commission proposes that an expected annual dose, based on the probabilistic results, is representative of individual risk and would be compared to the individual protection standard for determining compliance. Calculation of the expected annual dose incorporates the probability that the estimated dose will occur (i.e., annual dose estimates consider the probability of the occurrence of the events and the

[1] As a matter of policy, NRC considers 0.25 mSv (25 mrem) TEDE as the appropriate dose limit within the range of potential doses represented by the current 10 CFR 72.104 limit of 0.25 mSv (25 mrem) (whole body), 0.75 mSv (75 mrem) (thyroid dose), and 0.25 mSv (25 mrem) (to any other critical organ). It is also important to note that the average individual exposure in the U.S. from natural background is approximately 3 mSv (300 mrem) per year or 3 times the Part 20 public dose limit and 12 times the standard proposed for Yucca Mountain.

uncertainty and variability of the parameter values used to describe the behavior of the geologic repository).

VI. Reference Biosphere and Critical Group for Yucca Mountain

In addition to establishing an individual protection limit as an overall system performance objective, as discussed above, it is necessary to specify the individual or individuals for whom the performance calculation is to be made, as well as the environment in which the individual(s) reside, and the relevant pathways for potential exposure. In this regard, the NAS observed that the appropriate objective should be to ''protect the vast majority of members of the public while also ensuring that the decision on the acceptability of a repository is not prejudiced by the risks imposed on a very small number of individuals with unusual habits or sensitivities.'' NAS recommended that the characteristics of the critical group and reference biosphere be defined in regulation. Citing guidance of ICRP, NAS recommended the critical group be representative of those individuals in the population expected to receive the highest dose equivalent, should be relatively homogeneous with respect to the location, habits, and metabolic characteristics that affect the doses received; and the habits and characteristics of the group should be based on present knowledge using cautious, but reasonable, assumptions. Although the ICRP guidance was developed for present day releases to existing populations that could be surveyed, monitored, and screened to find the few actual individuals that would be members of the critical group, the Commission has used the ICRP principles in developing specifications for the critical group and reference biosphere.

Demonstration of compliance with an individual dose limit over thousands of years requires the use of certain assumptions about the characteristics of the individual or group to be protected, as well as the characteristics of the biosphere in which the critical group resides, for purposes of analyzing the performance of the waste disposal facility. Difficulties in forecasting the characteristics of future society, especially those influencing exposure, lead to large uncertainties in the estimates of who will be exposed, by how much, and when.

The Commission is proposing to limit speculation by specifying the assumptions to be used by DOE in developing the assumed critical group and reference biosphere appropriate for Yucca Mountain. The Commission is proposing criteria at § 63.115 for identifying a critical group and reference biosphere that the Commission believes provide a reasonable basis for demonstrating compliance and that preclude unbounded speculation. The Commission's intent here is to define characteristics that would otherwise be subject to unlimited speculation, and to identify how available information is to be used by DOE to identify the average member of the critical group. The identification of those individuals expected to receive the highest dose will be most sensitive to attributes such as location, percentage of diet from locally-produced food, lifestyle, and land use. Based on present day knowledge of the habits and characteristics of the local population in the vicinity of Yucca Mountain, § 63.115 specifies a farming critical group located approximately 20 km south from the underground facility (i.e., in the general location of U.S. Route 95 and Nevada Route 373, near Lathrop Wells). This section also directs DOE to use current conditions in the region surrounding Yucca Mountain to define the remaining attributes of the critical group.

Based on analysis to date, the Commission considers a farming critical group to be reasonably representative of those individuals expected to receive the highest dose from radionuclides released from a Yucca Mountain repository for a number of reasons. First, farming activities involve more exposure pathways than other known human activities in the region (e.g.; ingestion pathway through consumption of contaminated water, crops, and animal products; inhalation and direct pathways from surface contamination exacerbated by the significant outdoor activity of a farming lifestyle). Second, the relatively large demand for ground water for irrigation increases the likelihood of drawing contaminated water to the surface where human exposures could occur. And third, farming activities currently exist in the Yucca Mountain region.

The 20 km location (near Lathrop Wells) represents an informed assumption regarding the accessibility of groundwater for irrigation considering current irrigation practices, depth to the water table, and the recognition that soil conditions at this location are generally similar to those further down gradient, near Amargosa Valley, where farming is currently practiced. Locations much closer to the proposed repository have soil conditions that are considerably less favorable for farming. Review of current well use information for Nevada suggests that irrigation wells constructed for water table depths greater than 150 meters are rare. Because well cost is related to depth, it is economically preferable to establish irrigation wells in areas where the water table is near the surface. The water table at Yucca Mountain is deep (i.e., greater than 300 meters) and decreases with distance down-gradient, which would also be the eventual path for radionuclide releases in the ground-water pathway. The area near U.S. Route 95 and Nevada Route 373 is the general location where the depth to water is approximately 100 meters with more shallow depths to water occurring further south. Because current farming practices are concentrated in the Amargosa Farms region (approximately 30 km south of Yucca Mountain), the 20 km critical group distance is considered reasonably conservative.

Other activities that currently exist in the area represent more limited potential for exposures (e.g., casino resort/hotel, residential dwellings). Activities such as residential housing are certainly feasible at locations closer than 20 km, where potential release concentrations are likely to be higher. However, the bases for determining precise locations of such groups are likely to be highly speculative, and largely arbitrary, when compared to a farming critical group based on existing living patterns. Additionally, the small water demand of a residential community, and even smaller demand of a single residence, relative to a farming community, further increases the uncertainty of dose estimates. Finally, because releases to the groundwater are expected to be quite variable spatially, due to the characteristics of fractured rock, the likelihood of any particular, randomly selected, withdrawal well intercepting contaminated water, at a specific location, would be quite small.

Exposures to the average member of the critical group will increase with the amount of contaminated water, crops, and animal products consumed, assuming the ground water pathway is the most likely release pathway. Individuals expected to receive the highest dose would be those for whom locally-produced, contaminated food represents a significant fraction of their diet. The Commission is proposing that the consumption of locally produced food for the average member of the critical group be based on the mean of the range of the dietary habits consistent with the current conditions in the Yucca Mountain region. It is reasonable to assume that a farming community of

sufficient size (as opposed to a few isolated farms) would be needed to supply the range of locally produced food that is currently consumed in the Yucca Mountain region. Such a farming community of up to 100 individuals, residing on approximately 15 to 25 farms, is consistent with current conditions of the region (substantially more farms would increase water demand and further decrease radionuclide concentrations in pumped water; substantially fewer farms would restrict the availability of locally-produced food relative to the regional average). Thus, it would be expected that the average member of the critical group resides within a farming community and has dietary habits which will result in the exposures being among the highest.

Exposures to the average member of the critical group will also be affected by the degree to which the locally produced food is contaminated. Variability in farming and water well withdrawal practices, as well as the spatial variability of radionuclide concentrations in ground water, will produce variation in the amount and degree of contamination of locally produced food. The Commission considers it desirable to constrain the determination of the contamination levels of locally produced food because it is not possible to precisely determine concentrations in ground water at specific locations or to avoid speculation regarding individual farm and water well withdrawal practices. The concentration of radionuclides in the water used by a larger farming community, by contrast, can be determined by dividing the annual release of radionuclides to the location of the farming community by the annual water demands of the farming community. For a community of sufficient size, it can be assumed that water demand is large enough to ''capture'' the entirety of the contaminated plume. Thus, all the locally produced food of the farming community would be considered to be contaminated through the use of contaminated ground water. The Commission considers this reasonable because the average member of the critical group can be assumed to consume contaminated food in all categories of locally produced food. The use of mean values for defining dietary habits ensures that dose estimates would not be unduly biased by unusual habits of a few individuals, and speculation is minimized with respect to where crops are grown relative to the spatial distribution of concentration.

The biosphere in which the critical group resides affects the group's behavior and characteristics and defines how the group could be exposed to radionuclide releases from Yucca Mountain. The precise future state of the biosphere over the time period considered during a performance assessment is highly uncertain. Both natural and man-made processes may affect attributes of the biosphere (e.g., climate, topography, hydrology and soils), and thereby influencing exposure pathways. As noted earlier in this notice, NAS recommended that the assumptions about the biosphere make use of present knowledge and be cautious, but reasonable.

The Commission's proposed implementation of the reference biosphere concept contains four primary requirements. These include that (i) features, events, and processes that describe the reference biosphere shall be consistent with present knowledge and conditions in the region surrounding the Yucca Mountain site, (ii) biosphere pathways shall be consistent with arid or semi-arid conditions, (iii) climate evolution shall be consistent with the geologic record of natural climate change in the region surrounding Yucca Mountain, and (iv) evolution of the geologic setting shall be consistent with present knowledge of natural processes.

Reliance on present knowledge and conditions is considered reasonable for development of exposure scenarios because such exposure scenarios can be based on empirical knowledge rather than unconstrained speculation. The use of current information is intended to place primary emphasis on the provision of a framework for analysis of repository performance, rather than on the precise prediction of possible futures.

Requirements that the biosphere be based on arid or semiarid conditions and that climate evolution be consistent with present knowledge of natural climate change reflect a philosophy that, while societal behaviors cannot be predicted, certain aspects of the evolution of natural systems over long time frames can be predicted based on the geologic record. Climate change studies for the Yucca Mountain region indicate that the Yucca Mountain climate could become cooler and wetter during the next ice age; however, analyses of the fossil records from the previous ice age indicate that the climate in the area south of Yucca Mountain is likely to change, at most, to conditions consistent with a semiarid climate classification. Because the current interpretations of the fossil record support these choices for local climate now and into the future, it is reasonable to limit the scope of assumed climate change to these possibilities. The change from arid to semiarid conditions is not expected to alter the biosphere sufficiently to cause major changes in potential exposure pathways to the critical group. For a farming critical group, a semiarid farming region would be expected to support agricultural crops similar to those grown in present day Amargosa Valley. Although specific biosphere and critical group parameters may change slightly with climate, major changes in behavior and exposure pathways for the critical group are not assumed.

DOE will need to establish and defend the particular characteristics, behaviors and attributes it assumes for the critical group and reference biosphere subject to the requirements and specifications of § 63.115. Then, as suggested by ICRP, a hypothetical individual representing the average member of the critical group, could be established using the mean values of the assumed characteristics, behaviors, and attributes. It is expected that DOE would conduct a habit survey to establish a realistic range of possible characteristics for the critical group, recognizing that its assumptions should be internally consistent and should not be driven by extreme habits. The Commission believes that its proposal of a farming critical group is reasonable for testing the ability of the geologic repository to comply with the performance objective at § 63.113 because it represents cautious, but realistic, assumptions of future living patterns in the vicinity of Yucca Mountain based on patterns observed there today. As this rulemaking progresses, the Commission's ongoing performance assessment analyses will continue to examine the influence of important assumptions such as the characteristics of the critical group including location, lifestyle, diet, and size. As part of this effort, the Commission encourages comments on the appropriateness of its proposed approach to defining the critical group and reference biosphere for Yucca Mountain. In particular, the Commission solicits comments on other candidate population groups, biosphere assumptions and potential exposure pathways that should be considered in the establishment of a ''critical group'' for Yucca Mountain.

VII. Compliance Period

The NAS recommended that the time over which compliance should be assessed should include the time when greatest risk occurs, within the limits imposed by the stability of the geologic

system. This recommendation was founded on technical considerations only, and, as NAS acknowledged, did not address issues of policy. In selecting the length of time over which the individual dose limit should be applied, a regulatory agency must take into account technical, policy, and legal considerations. In fact, NAS noted that EPA might elect to establish consistent policies for managing comparable risks from disposal of long-lived hazardous materials. From a technical perspective, for example, the time-dependent variation of the hazard, along with the time required to evaluate adequately the waste isolation capability of both engineered and natural barriers, are of significance. From a policy perspective, on the other hand, the practical utility and relative uncertainty of extremely long projections of health consequences, along with the need to maintain a consistent regulatory approach for like hazards, need to be weighed. Having considered both technical and policy concerns, the Commission is proposing the use of 10,000 years for evaluating compliance with the system performance objective at § 63.113. Should EPA issue final standards for Yucca Mountain or Congress enact new high-level waste legislation into law that specify a different compliance period, the NRC will amend its criteria at 10 CFR Part 63, as necessary, to comply with EnPA requirements for consistency with final EPA standards.

The Commission makes its proposal on the basis of three considerations. First, the inherent radiological hazard of spent fuel decreases rapidly and significantly during the initial 10,000 years due to radioactive decay dominated by fission products, with the relative hazard diminished by approximately 90 percent at 100 years, 99 percent at about 1,000 years and 99.9 percent at 10,000 years. At 10,000 years following waste emplacement, the relative radiological hazard is within a factor of ten of the hazard posed by a quantity of 0.2 percent uranium ore equivalent to that which was necessary to produce the spent fuel (Final Environmental Impact Statement on the Management of Commercially Generated Radioactive Waste, DOE, 1980; NRC High-Level Radioactive Waste Program Annual Progress Report; Fiscal Year 1996, NRC, 1997). Beyond 10,000 years, the relative hazard of the disposed waste diminishes very slowly over several hundreds of thousands of years because decay at such late times is controlled by the activity of longer-lived radionuclides. A 10,000-year compliance period corresponds to the time period when the waste is inherently most hazardous.

Second, analysis of repository performance over 10,000 years provides an opportunity to examine the impact of a range of geologic conditions (e.g., seismic events, fault movement, igneous activity, and climate variation on the scale of global changes due to glaciation) on the capability of the engineered and natural barriers to limit radiation exposures below the dose limit. It is possible that DOE may attempt to demonstrate that its engineered barrier system design is sufficiently robust as to preclude any significant releases during a 10,000-year compliance period. The Commission is aware of DOE's efforts to examine a variety of engineered barrier designs that it expects will extend the containment period of the waste package. However, the DOE has not finalized its repository design and thus it is premature, at this time, to assume that the expected lifetime of the engineered barrier system will exceed the compliance period. If, indeed, the waste package can be shown to preclude radionuclide releases beyond the compliance period, a 10,000-year evaluation, it might be argued, would only illustrate the effect of the natural system on the degradation of the engineered barriers and would fail to adequately display the capacity of extant natural barriers to restrict movement of radionuclides following release from the waste packages, and thereby, limit exposures to members of the critical group. The Commission expects that in conducting its performance assessment, DOE will account for the susceptibility of some fraction of the more than 7,000 emplaced canisters to early failures, attributable to such causes as manufacturing defect, lapses in quality assurance programs, etc. The ability of the geologic barriers to retard the transport of radionuclides released as a result of these early failures would clearly need to be evaluated. Furthermore, the assumed intrusion scenario specified at § 63.113(d) and discussed later in this notice requires a stylized analysis of the consequences of a compromised waste package, and will also test the contribution of the geologic barriers to overall performance. Irrespective of the projected lifetime of the waste package design, the capability of the natural barriers to limit exposures would need to be evaluated in the context of the multiple barrier requirement.

Finally, from a policy perspective, EPA has already codified a 10,000-year compliance period at 40 CFR 191 applicable to the Waste Isolation Pilot Plant (WIPP), a similar type of disposal system as that proposed at Yucca Mountain. A 10,000-year performance period is also referenced in EPA guidance on no-migration petitions for facilities seeking exemption from certain land-disposal restrictions for long-lived hazardous, nonradioactive materials. Additionally, a 10,000-year compliance period is specified in NRC's Draft Technical Position on a Performance Assessment Methodology for Low-Level Radioactive Waste Disposal Facilities (62 FR 29164; May 29, 1997). All of these land disposal situations, like HLW disposal, involve disposed wastes containing long-lived, hazardous materials which are of concern, because they can become mobile in the groundwater pathway.

The Commission proposes that a 10,000-year compliance period is appropriate for evaluating a Yucca Mountain repository because it: (1) includes the period when the waste is inherently most hazardous; (2) is sufficiently long, such that a wide range of conditions will occur which will challenge the natural and the engineered barriers, providing a reasonable evaluation of the robustness of the geologic repository; and (3) is consistent with other regulations involving geologic disposal of long-lived hazardous materials, including radionuclides.

VIII. Multiple Barriers and Defense in Depth

The defense-in-depth principle has served as a cornerstone of NRC's deterministic regulatory framework for nuclear reactors, and it provides an important tool for making regulatory decisions, with regard to complex facilities, in the face of significant uncertainties. NRC also has applied the concept of defense-in-depth elsewhere in its regulations to ensure safety of licensed facilities through requirements for multiple, independent barriers, and, where possible, redundant safety systems and barriers. Traditionally, the reliance on independence and redundancy of barriers has been used to provide assurance of safety when reliable, quantitative assessments of barrier reliability are unavailable. The Commission maintains, as it has in the past, that the application of the defense-in-depth concept to a geologic repository is appropriate and reasonable. The Commission now believes, however, that its implementation, in the context of a geologic repository, should be reexamined, in light of the advancement in methods to quantitatively assess the

components of a geologic repository system and with due consideration of the Commission's goal of a regulatory program and associated requirements that are risk-informed and performance-based.

Development of NRC's regulations for geologic disposal in 1983 represented a unique application of the defense-in-depth philosophy to a first-of-a-kind type of facility. While waste is being emplaced, and before a geologic repository is closed, its operation may be amenable to regulation comparable to other operating nuclear fuel cycle facilities licensed by NRC. Application of defense-in-depth principles for regulation of repository performance, for long time periods following closure, however, must account for the difference between a geologic repository and an operating facility with active safety systems and the potential for active control and intervention. A closed repository is essentially a passive system, and assessment of its safety over long timeframes is best evaluated through consideration of the relative likelihood of threats to its integrity and performance. Although it is relatively easy to identify multiple, diverse barriers that comprise the engineered and geologic systems, the performance of any of these systems and their respective subsystems cannot and should not be considered either truly independent or totally redundant.

As stated earlier, NWPA mandated that technical criteria developed by the Commission '' * * * shall provide for the use of a system of multiple barriers in the design of the repository.'' How the performance of those barriers should be assessed, consistent with the Commission's policy of defense-in-depth, was a major issue throughout the development and promulgation of the Commission's generic regulations at 10 CFR Part 60 and continues to be of concern as the Commission contemplates new regulations for Yucca Mountain.

Well before NWPA was enacted, the Commission had considered the appropriate bases for establishing regulations for HLW disposal. In developing proposed generic technical criteria for Part 60, the Commission placed primary emphasis on the need to compensate for the large uncertainty that is inherent in the assessment of the long-term performance of HLW disposal systems. The Commission expressed its view, then, that the state-of-the-art in the earth sciences was such that all the uncertainties related to predicting long-term performance of a repository could not be resolved through consideration of the geologic setting alone.

It should be noted that during the late 1970s and early 1980s, when the Commission was first considering the development of proposed technical criteria for geologic repositories, quantitative techniques for assessing repository performance were in their infancy. The lack of experience with, and confidence in, quantitative methods for addressing the uncertainties associated with estimates of repository performance weighed heavily as the Commission considered options for formulating generic regulations for HLW disposal. As will be discussed later in this statement, the Commission now believes that the application of such methods has matured sufficiently to move away from its earlier approach.

As Part 60 was being developed, the Commission gave serious consideration to a ''systems approach,'' that is, regulation of a repository system through a single figure of merit, that of overall system performance, leaving maximum flexibility for determining the extent and focus of site characterization, and for the designer to make trade-offs among components of the system. It was noted that this approach could include a requirement that the system design incorporate multiple barriers to compensate for uncertainty in overall system performance. It was believed, at the time, however, that compensation for uncertainties in *assessing* the system's overall performance could only be achieved by introducing conservatism. Intentional addition of conservatism, either by making the measure of performance unduly stringent or by using worst-case, bounding assumptions in the evaluation, was argued to be impractical from a regulatory point of view.

Instead, the Commission opted to prescribe minimum performance standards for each of the major system elements (as they were envisioned at the time) as well as to require the overall system to comply with the primary performance objective, namely, whatever standards EPA would eventually establish. This approach was thought to have two advantages over the systems approach, if the barriers were chosen judiciously. It was argued that barriers could be prescribed, generically, which act ''independently,'' and that generic performance measures for these ''independent'' barriers could be selected that would reduce calculational uncertainty. Identification of such subsystem performance measures was expected to be helpful input to DOE's design process, without being overly restrictive. It is now recognized that NRC attempted to define such criteria on the basis of limited, existing knowledge, without benefit of research and site-specific information that only later was acquired during characterization of a specific site at Yucca Mountain.

The vast majority of comments received on the proposed Part 60 favored a ''systems approach.'' Nevertheless, in publishing its final rule (48 FR 28194; June 21, 1983), the Commission elected to retain the proposed approach, stating that ''* * * in simply adopting the EPA standard as the sole measure of performance, it [the Commission] would have failed to convey in any meaningful way the degree of confidence which it expects must be achieved in order for it to be able to make the required licensing decisions' and, further that ''* * * The Commission firmly believes that the performance of the engineered and natural barriers must each make a definite contribution in order for the Commission to be able to conclude that the EPA standard will be met.''

In support of the final rule, the Commission examined how particular values for the performance of the proposed barriers would assist in concluding that compliance with the EPA standards had been demonstrated, given an assumed set of anticipated processes and events. Final EPA standards still had not been promulgated, so analyses were conducted based on NRC staff assumptions regarding the final standards. These analyses, based on a simplified modeling study for a hypothetical repository located in a variety of saturated geologic media, were documented as NUREG–0804—''Staff Analyses of Public Comments on Proposed Rule 10 CFR Part 60, Disposal of High-Level Radioactive Wastes in Geologic Repositories.'' For many, but by no means all, of the cases examined, compliance with the proposed subsystem performance objectives did increase the probability of meeting the assumed EPA standards. NRC was not able to demonstrate, however, that compliance with the subsystem criteria alone was sufficient to meet the assumed EPA standards, nor that compliance with the assumed EPA standards would suffice to assure compliance with the subsystem criteria. For the cases analyzed, however, it was asserted that the analyses '' * * * demonstrate that compliance with 10 CFR Part 60 can substantially increase confidence that the assumed EPA standard[s] will be met.''

Lastly, in order to address concerns that quantitative subsystem performance criteria may unduly restrict the

applicant's flexibility, the Commission modified the proposed rule to explicitly recognize the potential need to change the subsystem objectives to account for unique features of a specific site or design. This flexibility was provided at § 60.113 (b).

Since their promulgation, the subsystem criteria in § 60.113, in particular, have not gained broad acceptance in the technical community. These criteria have been criticized as overly prescriptive, lacking in both a strong technical basis and a clear technical nexus to the overall performance objective (i.e., the EPA standards), and unclear in their wording.

In contrast to the state of performance assessment technology assumed at the time Part 60 criteria were put in place, the NAS Committee on Technical Bases for Yucca Mountain Standards found, in 1995, that the physical and geologic processes relevant to a Yucca Mountain repository: ''* * * are sufficiently quantifiable and the related uncertainties sufficiently boundable that the performance [of a repository] can be assessed over timeframes during which the geological system is relatively stable or varies in a boundable manner.'' As has been described earlier, it was a lack of confidence in this capability to quantify overall performance and adequately bound uncertainty that factored prominently in the Commission's decision to include quantitative subsystem requirements in the Part 60 regulations. Also, as discussed earlier, NAS cautioned against implementation of multiple barriers through the use of subsystem performance requirements. In addition, the Commission's Advisory Committee on Nuclear Waste (ACNW) recently recommended that the Commission implement the concept of defense in depth by ensuring that the effectiveness of individual barriers be identified explicitly in the total system performance assessment (TSPA), but specifically did not endorse the establishment of rule-based subsystem requirements for Yucca Mountain. The ACNW noted that ''* * * an overall performance-based regulation in the context of a risk-based standard is a superior tool for promoting safety relative to imposed subsystem requirements. (see letters dated October 31, 1997 and March 6, 1998).''

Upon review of this regulatory history, the Commission is persuaded that much of the basis for NRC's initial development of the specific numerical values for the subsystem criteria was generic judgment with regard to what was (and was not) feasible with regard to the quantitative assessment of long-term repository performance. Because the stated goal was to compensate for uncertainty, there was never any attempt to derive the subsystem performance criteria from a specified dose or risk level or from some projected dose or risk reduction expected to be achieved by their application. Furthermore, after 15 years of experience in working with the requirements of Part 60, the Commission is concerned that, for the Yucca Mountain site, the application of the subsystem performance criteria at § 60.113 may impose significant additional expenditure of resources on the nation's HLW program, without producing any commensurate increase in the protection of public health and safety.

Specifically, when the Part 60 subsystem criteria were selected, they were intended to be separate, ''independent,'' easily-determined measures of subsystem performance, determination of which would require only application of technology that was readily available. Extensive experience with site-specific performance assessment has shown them to be none of these. For example, because container performance, release rate, and ground-water travel time will be derived from the same general data and knowledge base as the TSPA, they are subject to many, if not all, of the same uncertainties. Furthermore, waste package performance and release rate are both a function of available water; therefore, it is arguable whether the existing (or any other) subsystem measures can provide truly independent assurance of total system performance.

Nevertheless, despite its reconsideration of the merits of establishing quantitative criteria for the performance of repository subsystems, the Commission continues to believe that multiple barriers, as required by NWPA, must each make a definite contribution to the isolation of waste at Yucca Mountain, so that the Commission may find, with reasonable assurance, that the repository system will be able to achieve the overall safety objective over timeframes of thousands of years. Geologic disposal of HLW is predicated on the expectation that a portion of the geologic setting will act as a barrier, both to water reaching the waste, and to dissolved radionuclides migrating away from the repository, and thus, contribute to the isolation of radioactive waste. Although there exists an extensive geologic record ranging from thousands to millions of years, this record is subject to interpretation and includes many uncertainties. These uncertainties can be quantified generally and are addressed by requiring the use of a multiple barrier approach; specifically, an engineered barrier system, consisting of one or more distinct engineered barriers, is required in addition to the natural barriers implicit in a geologic setting. Similarly, although the composition and configuration of engineered structures, as well as their capacity to function as barriers, can be defined with a degree of precision not possible for natural barriers, it is recognized that except for a few archaeologic analogues, there is no experience base for the performance of complex, engineered structures over periods longer than a few hundred years. It is expected that DOE will demonstrate that the natural barriers and the engineered barrier system will work in combination to enhance overall performance of the geologic repository.

The Commission believes that this approach to multiple barriers is consistent with the NAS conclusions and recommendations cited above. The Commission also recognizes, and believes it is important to acknowledge that experience and improvements in the technology of performance assessment, acquired over more than 15 years, now provide significantly greater confidence in the technical ability to assess comprehensively overall repository performance, and to address and quantify the corresponding uncertainty. In addition to extensive reviews of evolving TSPAs produced by DOE and its contractors, the Commission, itself, has developed and exercised its own technical capability in the field of repository performance assessment (See, for example, Bonano, E. J., et al., ''Demonstration of a Performance Assessment Methodology for High-Level Waste Disposal in Basalt Formation,'' NUREG/CR–4759, U.S. Nuclear Regulatory Commission, Washington, DC, 1989; ''Initial Demonstration of the NRC's Capability to Conduct a Performance Assessment for a High-Level Waste Repository,'' NUREG–1327, 1992; ''NRC Iterative Performance Assessment Phase 2—Development of Capabilities for Review of a Performance Assessment for a High-Level Waste Repository,'' NUREG–1464, 1995).

Drawing from this experience, the Commission is now proposing to require that DOE evaluate the behavior of barriers important to waste isolation in the context of the performance of the geologic repository. The Commission does not intend to specify numerical goals for the performance of individual barriers. Such an approach will require DOE to provide an analysis that: (1)

identifies those design features of the engineered barrier system, and natural features of the geologic setting, that are considered barriers important to waste isolation; (2) describes the capability of these barriers to isolate waste, taking into account uncertainties in characterizing and modeling the barriers; and (3) provides the technical basis for the description of the capability of these barriers. In implementing this approach, the Commission proposes to incorporate flexibility into its regulations by requiring DOE to demonstrate that the geologic repository comprises multiple barriers but not prescribe which barriers are important to waste isolation or the methods to describe their capability to isolate waste.

DOE could select from a variety of methods in order to demonstrate the capability of barriers to isolate waste. Regardless of the method and the level of quantification, it is expected that the capability of individual barriers to perform their intended function and the relationship of that function to limiting radiological exposure would be described. In parallel with this rulemaking, NRC staff is developing guidance in the form of a Yucca Mountain Review Plan. In this review plan, guidance will be provided on acceptable methods for demonstrating compliance with the multiple barrier requirement that could include, but not necessarily be limited to, performing sensitivity analyses, modeling the behavior of individual barriers, quantifying how individual barriers contribute to performance, and delineating the capabilities of the barriers to isolate waste. The Commission believes that it is appropriate to afford DOE flexibility in selecting the methods to demonstrate the waste isolation capability of the multiple barriers that must comprise its repository design. The proposed requirements will provide for a system of multiple barriers and an understanding of the resiliency of the geologic repository provided by the barriers important to waste isolation to ensure defense in depth and increase confidence that the postclosure performance objective will be achieved.

IX. Performance Assessment

Demonstration of compliance with the postclosure performance objective specified at § 63.113(b) requires a performance assessment that quantitatively estimates the expected annual dose, over the compliance period and weighted by probability of occurrence, to the average member of the critical group. Performance assessment is a systematic analysis of what can happen at the repository after permanent closure, how likely it is to happen, and what can result, in terms of dose to the average member of the critical group. Taking into account, as appropriate, the uncertainties associated with data, methods, and assumptions used to quantify repository performance, the performance assessment is expected to provide a quantitative evaluation of the overall system's ability to achieve the performance objective (§ 63.113 (b)). Consistent with EnPA and the NAS recommendations, the Commission proposes that the results of performance assessment shall be the sole quantitative measure used to demonstrate compliance with the postclosure individual dose limit.

In order to find that issuance of a license will not constitute an unreasonable risk to the health and safety of the public, the Commission must have reasonable assurance that the required performance assessment has demonstrated that, following permanent closure, for the duration of the compliance period and considering the likelihood of occurrence of adverse natural events, expected annual exposures to the average member of the critical group will not exceed the individual dose limit of .25 mSv (25 mrem) TEDE. Although the performance objective for the geologic repository after permanent closure (§ 63.113) is generally stated in unqualified terms, it is not expected that complete assurance that the requirement will be met can be presented. A reasonable assurance, on the basis of the record before the Commission, that the performance objective will be met is the general standard that is required. Proof that the geologic repository will be in conformance with the objective for postclosure performance is not to be had in the ordinary sense of the word because of the uncertainties inherent in the understanding of the evolution of the geologic setting, biosphere, and engineered barrier system. For such long-term performance, what is required is reasonable assurance, making allowance for the time period, hazards, and uncertainties involved, that the outcome will be in conformance with the objective for postclosure performance of the geologic repository. Demonstrating compliance, by necessity, will involve the use of complex predictive models that are supported by limited data from field and laboratory tests, site-specific monitoring, and natural analog studies that may be supplemented with prevalent expert judgment. Further, in reaching a determination of reasonable assurance, the Commission may supplement numerical analyses with qualitative judgments including, for example, consideration of the degree of diversity or redundancy among the multiple barriers of the geologic repository.

Because of the significance of the performance assessment as the sole quantitative measure of compliance, it is essential that the performance assessment be scientifically defensible and transparent. For this reason, the Commission considers it important to specify, at § 63.114, requirements for a complete and high-quality performance assessment. A defensible performance assessment should contain a technical rationale for those features, events, and processes that have been included in the performance calculation, as well as those that have been considered but were excluded. The features, events, and processes (i.e., specific conditions or attributes of the geologic setting; degradation, deterioration, or alteration of the engineered barriers; and interactions between the natural and engineered barriers) considered for inclusion in the assessment should represent a wide range of beneficial and detrimental effects on performance. Features, events, and processes should be considered in light of available data and current scientific understanding, and alternative conceptual models that are consistent with such data and understanding should be evaluated. Inclusion of alternative models should be based, however, on reasonable interpretation of available information, and should not be driven by open-ended speculation. To this end, the Commission is proposing to constrain speculation by defining a lower limit on the probability of events and processes that need to be considered and requiring inclusion of only those features and processes, and higher probability events that significantly change the expected annual dose.

The performance assessment will rely, by necessity, on computer modeling to determine whether a proposed geologic repository meets the performance objectives. Such reliance on computer simulation has become commonplace for determining the likely performance of complex engineered systems. In most applications, it is accompanied by a rigorous testing program, involving model ''validation'' and ''verification,'' to ensure that the simulated system behavior is sufficiently consistent with empirically observed behavior to meet the need of the application at hand. The Commission expects that DOE will take

reasonable and practical measures to ensure that its performance assessment provides a credible representation of a geologic repository at Yucca Mountain. For example, assurance of the soundness of the performance assessment cannot and will not involve the comparison of simulated behavior of a geologic repository with empirical observation over tens of kilometers and tens of thousands of years. At best, assurance for the performance assessment will involve comparison of simulations with observations drawn from an integrated program of laboratory tests, field tests, and analog studies that starts with site characterization and continues, as appropriate, through the performance confirmation period. To the extent that DOE's performance assessment provides a credible representation of a geologic repository, the Commission expects no more than that and believes that no more is needed. When the NWPA became law in 1982, and when it was revisited in 1987, and again in 1992, the limits on human knowledge that are attendant to confirming performance of a geologic repository were well known. The Commission does not believe that these laws were passed with the intention of creating an impossible task. Accordingly, the Commission has included, at §§ 63.101(a)(2) and 63.101(b), explanations regarding the purpose and nature of the findings it will make.

To be transparent, DOE's performance assessment must contain an evaluation of the performance of the geologic repository relative to compliance with the individual dose limit and an explanation of how the estimated performance was achieved. Section 63.113(b) requires that compliance with the individual dose limit be demonstrated through the calculation of an expected annual dose. The expected annual dose is the expected value of the annual dose considering the probability of the occurrence of the events and the uncertainty, or variability, in parameter values used to describe the behavior of the geologic repository (the expected annual dose is calculated by accumulating the dose estimates for each year, where the dose estimates are weighted by the probability of the events and the parameters leading to the dose estimate). Demonstration of compliance with the individual dose limit will need to include an estimate of the expected annual dose to the average member of the critical group that, for any single year within the compliance period, is below the limit. Explanation of how the estimated performance was achieved should reveal an understanding of the relationship between the performance of individual components or subsystems of the geologic repository and the total system performance. Such understanding would be used to build confidence that the expected annual dose, as asserted in the license application, is a reasonable estimate of the performance of the geologic repository. Consistent with a performance-based philosophy, the Commission proposes to permit DOE the flexibility to select the approach for demonstrating this relationship that is most appropriate to its analysis.

X. Institutional Controls

The Commission is proposing to require DOE to institute active, as well as passive, control measures to reduce the potential for inadvertent human intrusion into the site. Reasonably prudent, active institutional controls, consistent with the requirements of Section 801(c) of EnPA, should be maintained at the site for as long as possible. The Commission is also proposing that DOE's passive control measures should be designed to serve their intended purpose for as long as practicable.

Section 801(b) of EnPA requires that:

* * * the Commission's requirements assume, to the extent consistent with the findings and recommendations of the National Academy of Sciences, that following repository closure, the inclusion of engineered barriers and the Secretary's postclosure oversight of the Yucca Mountain Site, in accordance with Subsection (c) shall be sufficient to:

(A) prevent any activity at the site that poses an unreasonable risk of breaching the repository's engineered or geologic barriers; and

(B) prevent any increase in the exposure of individual members of the public to radiation beyond allowable limits.

However, as was discussed earlier in this notice, NAS concluded that it is not reasonable to assume that a system for postclosure oversight, based on active institutional controls, can be developed that will eliminate entirely, over thousands of years, the possibility of human activity that could degrade the long-term performance of the repository.

XI. Human Intrusion

The geologic record provides a basis for evaluating the likelihood of geologic processes and events, but no similar record of extended duration exists that can be used to constrain either the probability that human intrusion could occur or the characteristics of such intrusion. Although designs can seek to warn potential intruders or to mitigate effects associated with intrusion that does occur, they cannot remove the potential for intrusion to occur. Similarly, repositories cannot be designed to mitigate the full range of possible ways that human intrusion could occur. Therefore, the Commission is proposing to require that DOE take reasonable and prudent steps to reduce the likelihood of human intrusion, and that DOE's repository design must still perform as intended, if an assumed, limited intrusion does occur.

As noted earlier, the NAS also concluded that it is not possible to make scientifically supportable predictions of the probability of human intrusion breaching the repository's geologic or engineered barriers over a period of 10,000 years. The NAS report recommended that human intrusion be excluded from the performance assessment, but that the consequences of an assumed human intrusion scenario should be calculated to determine if repository performance would be substantially degraded as a result of the intrusion.

The Commission agrees with the NAS recommendations to consider human intrusion apart from the risk-based performance assessment. To permit consideration of the potential detriment from human intrusion in the evaluation of repository performance, the Commission proposes that DOE be required to perform a consequence analysis that includes an assumed intrusion scenario as specified at § 63.113(d). This consequence analysis would be identical to the performance assessment, except that a specified human intrusion scenario is assumed to occur. In the event of this assumed scenario, the repository is required to perform such that the expected annual dose to the average member of the critical group is also within allowable limits. Hazards to the intruders themselves (drillers, miners, etc.) or to the public from material brought to the surface by the assumed intrusion should not be included in this analysis, according to NAS. This is because, NAS asserts, analyses of these hazards would be unlikely to provide any useful basis for judging the resilience of a particular repository or design to intrusion.

The Commission does not intend to speculate on the virtual infinity of human intrusion scenarios that could be contemplated, nor does it intend for this analysis to address the full range of possible intrusions that could occur. Rather, the Commission intends that this analysis show that the repository exhibits some resilience to a breach of

engineered and geologic barriers from events that are reasonably of concern. Therefore, the Commission is proposing an assumed human intrusion scenario that results in the breach of both engineered and geologic barriers. The Commission believes that current practices provide a solid basis for establishing properties for the intrusion scenario that avoid speculation. Therefore, the Commission is proposing that DOE use current practices for resource exploration to establish properties (e.g., diameter of the borehole, drilling rate, composition of drilling fluids) for the intrusion scenario. However, because the Commission intends for this analysis to show that the repository can still adequately perform if its barriers are breached, the Commission is requiring DOE to assume that the borehole is not adequately sealed to prevent infiltrating water.

Elsewhere in its regulations (*e.g.,* 10 CFR Part 60), the Commission has limited the extent to which reliance may be placed on active institutional controls to prevent unacceptable radiological exposures from the disposal of other radioactive wastes. Consistent with this approach, the Commission is proposing that the intrusion scenario be assumed to occur 100 years after repository closure.

The Commission is mindful that a single stylized intrusion scenario should not be taken as a prediction of the likely manner or frequency of intrusion. As NAS stated in its report, a ''calculation of consequences for such an intrusion removes from consideration a number of imponderables, each of which would otherwise need to be treated separately, including the probability that an intrusion borehole would intersect a waste canister, the probabilities of detection and remediation, and the effectiveness of institutional controls and markers to prevent intrusion. This scenario should not be interpreted as either an optimistic or pessimistic estimate of what might actually occur * * * We believe that the simplest scenario that provides a measure of the ability of the repository to isolate waste and thereby protect the public is the most appropriate scenario to use for this purpose.''

Bearing this in mind, the Commission solicits comment on the appropriateness of its proposed intrusion scenario, and the assumed timing of its occurrence, as a reasonable measure for evaluating the consequences of intrusion at a repository at Yucca Mountain.

XII. Preclosure Performance Objective

The Commission is proposing performance objectives at § 63.111 to ensure that the geologic repository operations area is designed and operated to protect against radiation exposures and releases of radioactivity prior to permanent closure. Specifically, protection of the worker and general public is ensured by requiring that (1) the exposure limits codified at 10 CFR Part 20 are maintained, and (2) during normal operations and anticipated operational occurrences, the annual dose to any real member of the public, located beyond the boundary of the site, shall not exceed a TEDE of 0.25 mSv (25 mrem). The 0.25 mSv (25 mrem) limit was included to provide consistency with requirements for the MRS and other waste management facilities (e.g., 40 CFR 191.03(a), 10 CFR 72.104, and 10 CFR 61.40). Additionally, numerical guides for design objectives have been specified for Category 1 design basis events and Category 2 design basis events. Category 1 design basis events are those events that are expected to occur one or more times before permanent closure. Included in Category 1 design basis events are events that occur regularly or moderately frequently, and that are sometimes identified as ''normal operations'' associated with receiving, handling, packaging, storing, emplacing, and retrieving high-level waste. Also included in Category 1 design basis events are those events that occur one or more times during the operating lifetime of a facility, and that are sometimes identified as ''anticipated operational occurrences'' or ''accidents.'' Category 2 design basis events are those events that have at least one chance in 10,000 of occurring before permanent closure. For an operational period of 100 years, this corresponds to an annual probability of occurrence of 10^{-6}. Category 2 design basis events are unlikely, but credible and potentially significant events. The Commission incorporated similar definitions of design basis events and associated dose limits in its generic regulations at 10 CFR Part 60 (61 FR 64257) for evaluation of preclosure repository performance. The primary purpose of those most recent amendments to the Commission's generic criteria, in addition to achieving greater consistency with Part 72 requirements, was to improve clarity and sufficiency of the requirements to protect health and safety for the full range of credible conditions or events that could occur at an operating repository, including low-probability events that have potentially serious consequences. The Commission believes that the performance objectives established by these amendments are suitable for inclusion in its proposed criteria for preclosure operation at a Yucca Mountain repository.

XIII. Integrated Safety Analysis of Activities at the Geologic Repository Operations Area

The Commission is proposing that compliance with the preclosure performance objectives would be demonstrated through an integrated safety analysis (ISA) of the geologic repository operations area (GROA). The ISA is a systematic examination of potential hazards at the GROA. It identifies the potential hazards, the potential for initiating event sequences, and describes potential event sequences and their consequences, as well as the site, structures, systems, components, equipment, and activities of personnel intended to mitigate or prevent the accident sequence. Its purpose is to ensure that all relevant hazards that could result in unacceptable consequences have been adequately evaluated and appropriate protective measures have been identified such that the GROA will comply with the preclosure requirements for protection against radiation exposures and releases of radioactive material specified in § 63.111. As used here, integrated means joint consideration of safety measures that, considered separately, might not achieve the overall health and safety protection desired. Such integration would include, but not be limited to, integration of fire protection, radiation safety, criticality safety, and chemical safety measures.

A fundamental aspect of the ISA is the identification and analysis of Category 1 and Category 2 design basis events. Category 1 events as described above represent ''normal operations'' while Category 2 events represent unlikely but credible events which would challenge the design of the GROA to maintain exposures within allowable limits. The analysis of a specific Category 2 design basis event would include an initiating event (e.g., an earthquake) and the associated combinations of repository system or component failures that can potentially lead to exposure of individuals to radiation. An example design basis event is a postulated earthquake (the initiating event) which results in (1) the failure of a crane lifting a spent fuel waste package inside a waste handling building, (2) damage to the building ventilation (filtration) system, (3) the drop and breach of the waste package, (4) damage to the spent fuel, (5)

partitioning of a fraction of the radionuclide inventory to the building atmosphere, (6) release of some radioactive material through the damaged ventilation (filtration) system, and (7) exposure of an individual (either a worker or a member of the public) to the released radioactive material.

The Commission believes the proposed approach, which does not include specification of general design criteria, is appropriate because prescriptive design criteria may unnecessarily encumber DOE, given the ongoing nature of site characterization of the underground facility and evolution of facility design. The information the Commission needs to make a finding of reasonable assurance that the GROA will comply with the risk-informed, preclosure requirements at § 63.111, will be provided by the ISA. The Commission proposes criteria, at § 63.112, for the content of the ISA.

XIV. Quality Assurance

As is currently required by the generic criteria at 10 CFR Part 60, the Commission is proposing that DOE implement a quality assurance program, for the geologic repository, based on the criteria of Appendix B of 10 CFR Part 50. Although an essentially equivalent quality assurance program for the independent storage of spent nuclear fuel and HLW is specified at Subpart G of 10 CFR Part 72, the Commission believes it to be appropriate to continue to reference Appendix B for the geologic repository at Yucca Mountain for purposes of maintaining continuity between data collected, during site characterization, pursuant to Part 60 requirements and those that will be collected once Part 63 requirements take effect. The Commission is seeking comment on the merits of this approach.

XV. Emergency Planning

When the Commission published final generic criteria for geologic disposal in 1983, licensing requirements for emergency planning were reserved for a later date. On June 22, 1985 (60 FR 32430), the Commission published final amendments to 10 CFR Part 72 that codified generic emergency planning licensing requirements for independent spent fuel storage installations (ISFSIs) and monitored retrievable storage facilities (MRS). These amendments provided for enhanced requirements for offsite emergency planning at MRS facilities (as well as at any ISFSIs that conduct similar operations) because of the broader scope of activities that could be performed at these facilities relative to those conducted at simpler storage installations. Like an MRS facility, a Geologic Repository Operations Area (GROA) at Yucca Mountain is expected to be a large industrial facility equipped to handle the loading, unloading, and decontamination of a large number of spent fuel and HLW shipping casks arriving by rail, heavy haul, and legal weight truck. It will also include facilities to open shipping canisters that are unsuitable for disposal, as well as to package bare fuel assemblies, commercial and defense spent fuel, and commercial and defense HLW in disposable canisters, and seal them for emplacement in the repository. Packaging operations will be conducted in a radiologically-controlled area that can support remote dry and pool-handling operations. At this time, a final GROA design has not been selected by DOE.

In promulgating final amendments at 10 CFR Part 72, the Commission conducted an analysis of potential onsite and offsite consequences of accidental release associated with the operation of an MRS. This analysis is contained in NUREG–1092. Because the activities contemplated for the GROA prior to repository closure pose similar radiological hazards to those analyzed for operations at an MRS, the Commission is proposing that the emergency planning licensing requirements for preclosure operations at the Yucca Mountain repository be comparable to those already codified in § 72.32 (b). Therefore, the Commission is proposing to require, at Subpart I, § 63.161, that DOE develop, and be prepared to implement, a plan to cope with radiological emergencies that may occur at the GROA prior to permanent closure, that is based on the criteria of § 72.32(b).

XVI. Changes, Tests and Experiments

The Commission is proposing to set out, at § 63.44, the bases on which DOE may change the geologic repository operations area or procedures as described in the application, and conduct tests or experiments not described in the application, without prior Commission approval. DOE would be required to maintain records of changes made and tests undertaken pursuant to this section. Comparable provisions exists at 10 CFR 50.59 for licensees of production and utilization facilities (e.g. nuclear reactors) and at 10 CFR 72.48 for licensees of facilities for the independent storage of spent nuclear fuel and HLW. The intent of these requirements is to permit licensees to make changes, or to conduct tests at a licensed facility, provided that: the changes maintain the level of safety documented in the original licensing basis (such as in the safety analysis report); the changes do not alter a license condition; and the changes do not introduce a previously unreviewed safety question.

Recently, the Commission proposed amendments to Parts 50 and 72 (63 FR 56098; October 21, 1998), to address a number of issues concerning the implementation of these provisions for reactors and independent spent fuel storage facilities. In particular, the proposed amendments attempt to revise criteria for determining when an unreviewed safety question exists. The Commission has become concerned that differing interpretations of these requirements as they relate to an increase in the probability of an accident, or an increase in consequences, have contributed to disputed inspection and enforcement findings. Too stringent an interpretation of the meaning of the requirements could result in diversion of licensee and NRC resources for review of inconsequential changes. Too high a threshold for NRC approval could lead to an erosion of safety without explicit NRC review, particularly with respect to the cumulative effect of multiple changes.

The Commission acknowledges that these issues are still under review within the Commission, and may well undergo further modification based upon that review or on public comments received. That being said, the Commission sees merit in the establishment of a uniform policy approach for addressing the change process issue. To this end, at the same time the Commission solicits comment on proposed requirements at § 63.44 that are comparable to existing regulations for other facilities, the Commission also seeks comment on the suitability, for a repository at Yucca Mountain, of an approach substantially equivalent to that proposed last year for nuclear reactors and spent fuel storage facilities. Alternative criteria for § 63.44, that could be used to implement such an approach for a repository at Yucca Mountain, is presented below, and should be viewed as a template for discussion.

Section 63.44 Changes, Tests, and Experiments

(a) Definitions:

(1) *Change* means a modification, addition or removal.

(2) *Final Safety Analysis Report (as updated)* means the Safety Analysis Report for the geologic repository, submitted in accordance with § 63.21, as modified as a result of changes made

pursuant to § 63.44, and as updated in accordance with § 63.24.

(3) *Procedures as described in the Final Safety Analysis Report (as updated)* means information in the Final Safety Analysis Report (as updated) regarding how structures, systems, and components important to safety are operated or controlled and information describing conduct of operations.

(4) *Reduction in margin of safety associated with any license specification* means that the input assumptions, analytical methods, acceptance conditions, criteria and limits of the safety analyses, presented in the Final Safety Analysis Report (as updated), that established any license specification requirement, are altered in a nonconservative manner.

(5) *Tests or experiments not described in the Final Safety Analysis Report (as updated)* means any condition where the geologic repository operations area or any of its systems, structures, and components important to safety, or barriers important to waste isolation, are utilized, controlled, or altered in a manner which is either:

(i) Outside the controlling parameters of the design bases as described in the Final Safety Analysis Report (as updated); or

(ii) Inconsistent with the analyses in the Final Safety Analysis Report (as updated).

(b)(1) DOE may make changes in the geologic repository operations area as described in the Final Safety Analysis Report (as updated), make changes in the procedures as described in the Final Safety Analysis Report (as updated), and conduct tests or experiments not described in the Final Safety Analysis Report (as updated), without obtaining either an amendment of construction authorization pursuant to § 63.33 or a license amendment pursuant to § 63.45, if a change in the conditions incorporated in the construction authorization or license is not required, and the change, test, or experiment does not meet any of the criteria in paragraph (b)(2) of this section.

(2) DOE shall obtain an amendment of construction authorization pursuant to § 63.33 or a license amendment pursuant to § 63.45, prior to implementing a change, test, or experiment if it would:

(i) Result in more than a minimal increase in the probability of occurrence of an event previously evaluated in either the Final Safety Analysis Report (as updated), or in evaluations performed pursuant to this section and safety analyses performed pursuant to §§ 63.33 or 63.45, as applicable, after the last Final Safety Analysis Report was updated pursuant to § 63.24;

(ii) Result in more than a minimal increase in the probability of occurrence of a malfunction of structures, systems, components important to safety, or barriers important to waste isolation, which were previously evaluated in either the Final Safety Analysis Report (as updated), or in evaluations performed pursuant to this section and safety analyses performed pursuant to §§ 63.33 or 63.45, as applicable, after the last Final Safety Analysis Report was updated pursuant to § 63.24;

(iii) Result in more than a minimal increase in the consequences of an event previously evaluated in either the Final Safety Analysis Report (as updated), or in evaluations performed pursuant to this section and safety analyses performed pursuant to §§ 63.33 or 63.45, as applicable, after the last Final Safety Analysis Report was updated pursuant to § 63.24;

(iv) Result in more than a minimal increase in the consequences of malfunction of structures, systems, components important to safety, or barriers important to waste isolation, which were previously evaluated in either the Final Safety Analysis Report (as updated), or in evaluations performed pursuant to this section and safety analyses performed pursuant to §§ 63.33 or 63.45, as applicable, after the last Final Safety Analysis Report was updated pursuant to § 63.24;

(v) Create the possibility for a design basis event, or of a pathway for release of radionuclides, of a different type than any evaluated previously in either the Final Safety Analysis Report (as updated), or in evaluations performed pursuant to this section and safety analyses performed pursuant to §§ 63.33 or 63.45, as applicable, after the last Final Safety Analysis Report was updated pursuant to § 63.24;

(vi) Create the possibility for a malfunction of structures, systems, and components important to safety, or barriers important to waste isolation, with a different result than any evaluated previously in either the Final Safety Analysis Report (as updated), or in evaluations performed pursuant to this section and safety analyses performed pursuant to §§ 63.33 or 63.45, as applicable, after the last Final Safety Analysis Report was updated pursuant to § 63.24;

(vii) Result in a reduction in the margin of safety associated with any license specification;

(viii) Result in a significant increase in occupational exposure;

(ix) Result in a significant unreviewed environmental impact.

(c)(1) DOE shall maintain records of changes in the geologic repository operations area at the Yucca Mountain site and of changes in procedures it has made pursuant to this section if these changes constitute changes in the geologic repository operations area as described in the Final Safety Analysis Report (as updated). DOE shall also maintain records of tests and experiments carried out pursuant to paragraph (b) of this section. These records shall include a written evaluation that provides the bases for the determination that the change, test, or experiment does not require an amendment of construction authorization or license amendment pursuant to paragraph (b)(2) of this section.

(2) DOE shall prepare annually, or at such shorter interval as may be specified in the license, a report containing a brief description of such changes, tests, and experiments, including a summary of the evaluation of each. DOE shall furnish the report to the appropriate NRC Regional Office shown in Appendix D of Part 20 of this chapter, with a copy to the Director, Office of Nuclear Material Safety and Safeguards, U.S. Nuclear Regulatory Commission, Washington, DC 20555. Any report submitted pursuant to this paragraph shall be made a part of the public record of the licensing proceedings.

As noted above, the criteria for changes, tests and experiments that a licensee may conduct without prior NRC approval or license amendment continue to be the subject of generic consideration by the Commission, and may change subject to public comment received on this notice, or on the proposed rulemaking for Parts 50 and 72, discussed earlier. For example, in the supplementary information accompanying the latter, the Commission identified a range of possible definitions for what may constitute a ''reduced margin of safety,'' including its deletion as a criterion. Also, it should be noted that, depending on the outcome of the Commission's generic deliberations, it may be necessary to modify §§ 63.44 and 63.46, as proposed in this notice, to eliminate, altogether, the concept of an ''unreviewed safety question.''

Irrespective of the specific approach and criteria selected, the Commission is also interested in whether criteria for changes, tests and experiments should apply solely to the Safety Analysis Report or to the contents of the entire license application, as proposed.

XVII. Relationship to Generic Criteria at 10 CFR Part 60

The proposed criteria will apply specifically and exclusively to the proposed repository at Yucca Mountain. Consistent with this intent, the Commission proposes to modify its generic criteria at 10 CFR Part 60 to make clear that they do not apply, nor may they be the subject of litigation, in any NRC licensing proceeding for a repository at Yucca Mountain.

Corresponding administrative changes to Parts 2, 19, 20, 21, 30, 40, 51, and 61 are being proposed to reflect the potential of licensing a HLW geologic repository under proposed Part 63 as well as Part 60. In appropriate sections of Parts 2, 19, 20, 21, 30, 40, 51, and 61 where Part 60 is mentioned, a reference to Part 63 is added. [2]

XVIII. Section-by-Section Analysis of Part 63

Subpart A—General Provisions

This subpart, except for § 63.2, ''Definitions,'' contains proposed general provisions that are similar to the provisions of Part 60 with minor wording changes for simplification, clarification, or to refer specifically to the Yucca Mountain site, where appropriate. Definitions have been revised to reflect usage in this part, as appropriate.

Section 63.1 *Purpose and scope*. This section defines the purpose and scope of Part 63 to be limited to the licensing of DOE to receive and possess source, special nuclear, and byproduct material at a geologic repository operations area sited, constructed, or operated at Yucca Mountain, Nevada. It states that generic regulations at Part 60 of this title do not apply, and cannot be the subject of any litigation in any licensing proceeding for the Yucca Mountain site.

Section 63.2 *Definitions*. This section contains definitions of terms as used in this part.

Section 63.3 *License required*. This section prohibits DOE from receiving or possessing source, special nuclear, or byproduct material at a geologic repository operations area at the Yucca Mountain site without having a license issued by the Commission, and prohibits DOE from beginning construction of the geologic repository operations area without authorization from the Commission.

Section 63.4 *Communications and records*. This section describes requirements for communications and reports submitted to the Commission, including appropriate addresses for communications to be forwarded to NRC.

Section 63.5 *Interpretations*. This section specifies when interpretations of the meaning of the regulations in this part by NRC officers or employees will be considered binding on the Commission.

Section 63.6 *Exemptions*. This section states the bases on which the Commission may grant exemptions from the requirements of this part.

Section 63.7 *License not required for certain preliminary activities*. This section allows DOE to possess source, special nuclear, or byproduct material at Yucca Mountain for the purposes of site characterization, and for use in certain construction activities.

Section 63.8 *Information collection requirements: Approval*. This section indicates that the information collection requirements contained in this part have been reviewed and approved by the Office of Management and Budget in accordance with the Paperwork Reduction Act.

Section 63.9 *Employee protection*. This section specifies requirements for protection of licensee or contractor and subcontractor personnel from certain adverse actions by employers.

Section 63.10 *Completeness and accuracy of information*. This section requires information provided to the Commission be complete and accurate. It also requires NRC notification of information having significant public health and safety implications.

Section 63.11 *Deliberate misconduct*. This section prohibits certain licensee activities and describes resulting enforcement action.

Subpart B—Licenses

This subpart, except for § 63.15, ''Site characterization,'' § 63.16, ''Review of site characterization activities,'' and § 63.21, ''Content of application,'' contains proposed provisions that are similar to the licensing provisions of Part 60 with minor wording changes for simplification, clarification or to refer to the Yucca Mountain site, where appropriate. Provisions related to the content of the license application have been developed to be consistent with the proposed technical criteria of Subpart E. Provisions related to site characterization have been simplified from similar sections of Part 60 to reflect the maturity of site characterization at Yucca Mountain. For example, there are no provisions requiring DOE to prepare and submit a site characterization plan to NRC or any requirement for NRC to prepare a specific site characterization analysis in as much as both activities have been completed previously. However, provisions requiring DOE to undertake site characterization and submit semiannual progress reports to NRC and provisions allowing NRC to comment on any aspect of site characterization or performance assessment, at any time, are proposed as indicated in the analysis of pertinent sections of Subpart B that follows.

Section 63.15 *Site characterization*. This section specifies that a program of site characterization is to be conducted prior to submittal of an application and that investigations are to be conducted in a manner that limits adverse effects on the performance of the geologic repository.

Section 63.16 *Review of site characterization activities*. This section specifies that DOE must submit to the Commission semiannual reports on the progress of site characterization, that NRC staff shall be permitted to visit, inspect, and observe site characterization activities at the Yucca Mountain site, and that the Director may at any time comment on any aspect of site characterization and performance assessment. This section also specifies that the Commission will determine whether any proposed onsite testing with radioactive material during site characterization is necessary to provide data for the preparation of the environmental reports required by law and for the license application.

Section 63.21 *Content of application*. This section specifies that the license application must include general information, a safety analysis report, and be accompanied by an environmental impact statement. This section also describes the detailed information to be included in the safety analysis report.

Section 63.22 *Filing and distribution of application*. This section describes requirements for filing and distribution of the license application, amendments to the license application, environmental reports, and related updates and supplements.

Section 63.23 *Elimination of repetition*. This section allows DOE to incorporate by reference information in previous applications, statements, or reports filed with the Commission in its application or environmental statement.

Section 63.24 *Updating of application and environmental impact statement*. This section requires DOE to submit a complete application, to update or supplement the application or environmental impact statement in a

[2] Although the NRC has recently published final rule amendments to update its rules of practice in Subpart J of Part 2 for the licensing proceeding on disposal of HLW at a geologic repository (62 FR 71729; December 30, 1998), any further changes to Subpart J that are necessary to conform to the addition of Part 63 will be deferred until completion of this rulemaking.

timely manner, and certify that updated copies contain current information.

Section 63.31 *Construction authorization*. This section states the bases on which the Commission may authorize construction of a geologic repository operations area at the Yucca Mountain site.

Section 63.32 *Conditions of construction authorization*. This section indicates that the Commission will include conditions in the construction authorization as necessary to protect the health and safety of the public, the common defense and security, and environmental values and describes specific provisions and restrictions that will be included in the construction authorization. This section also indicates that a license will not be issued until DOE has updated its application as required at § 63.24 and the Commission has made the findings stated at § 63.41.

Section 63.33 *Amendment of construction authorization*. This section requires DOE to apply for an amendment of the construction authorization if changes are desired. This section also states the bases on which the Commission may approve an amendment of the construction authorization.

Section 63.41 *Standards for issuance of a license*. This section states the bases on which the Commission may issue a license to receive and possess source, special nuclear, or byproduct material at a geologic repository operations area at the Yucca Mountain site.

Section 63.42 *Conditions of license*. This section indicates that the Commission will include conditions or specifications in the license as necessary to protect the health and safety of the public, the common defense and security, and environmental values. This section also identifies general conditions that will be considered conditions of the license, whether stated in the license or not.

Section 63.43 *License specification*. This section indicates that the Commission will include conditions in the license that are derived from the analyses and evaluations included in the application and amendments made before a license is issued. This section also describes specific categories of restrictions, requirements, and controls that will be included as conditions of the license.

Section 63.44 *Changes, tests, and experiments*. This section states the bases on which DOE may change the geologic repository operations area or procedures as described in the application, and conduct tests or experiments not described in the application, without prior Commission approval. This section also requires DOE to maintain records of changes made and tests undertaken pursuant to this section.

Section 63.45 *Amendment of license*. This section requires DOE to apply for an amendment of the license if changes are desired. This section also states the bases on which the Commission may approve an amendment of the license.

Section 63.46 *Particular activities requiring license amendment*. This section describes specific activities that require amending the license prior to being performed, unless expressly authorized in the license.

Section 63.51 *License amendment for permanent closure*. This section requires DOE to apply for an amendment of the license to permanently close a geologic repository at the Yucca Mountain site. This section also requires DOE to submit an update of the license application and describes the detailed information to be included in the update.

Section 63.52 *License termination*. This section requires DOE to apply for an amendment to terminate the license following permanent closure of the geologic repository and the decontamination or dismantlement of surface facilities at the Yucca Mountain site.

Subpart C—Participation by State Government and Affected Indian Tribes

This subpart contains proposed provisions that are similar to the State and affected Indian Tribe participation provisions of 10 CFR Part 60 with minor wording changes to refer to the State of Nevada and Yucca Mountain site, where appropriate.

Section 63.61 *Provision of information*. This section states that NRC shall provide to the Governor, the Nevada State legislature, and any affected Indian Tribe timely and complete information regarding determinations made by the Commission with respect to the Yucca Mountain site. NRC shall also make this information available to the public and DOE.

Section 63.62 *Site review*. This section states that NRC shall consult with the State of Nevada and affected Indian Tribes regarding site characterization activities.

Section 63.63 *Participation in license reviews*. This section sets forth procedures for State and local governments and affected Indian Tribes to participate in license review activities.

Section 63.64 *Notice to state*. This section notes that, if the Governor and legislature of the State of Nevada have designated a joint person or entity to receive information from NRC, NRC will send such information to the jointly designated addressee.

Section 63.65 *Representation*. This section allows the Commission to request that any person acting as a representative of the State, Governor, or legislature of Nevada, or any affected Indian Tribe provide the Commission with the authority basis for such a representation.

Subpart D—Records, Reports, Tests, and Inspections

This subpart contains proposed provisions that are similar to the records, reports, tests, and inspection provisions of Part 60 with minor wording changes for simplification, clarification or to refer to the Yucca Mountain site, as appropriate.

Section 63.71 *Records and reports*. This section requires DOE to make and maintain records and reports as required by conditions of the license or rules, regulations, and orders of the Commission.

Section 63.72 *Construction records*. This section requires DOE to maintain records of the construction of the geologic repository operations area and describes the types of records to be maintained.

Section 63.73 *Reports of deficiencies*. This section requires DOE to notify the Commission of each deficiency found in the characteristics of the Yucca Mountain site and design and construction of the geologic repository operations area, if the uncorrected deficiency could be a safety hazard, represent a deviation from the design criteria or design bases, or represent a deviation from conditions of the construction authorization or license.

Section 63.74 *Tests*. This section requires DOE to perform such tests, or to allow the Commission to perform such tests, as the Commission determines necessary for administration of the regulations in this part. This section also describes the types of tests that may be included under this section.

Section 63.75 *Inspections*. This section requires DOE to afford the Commission opportunity for inspection of the geologic repository operations area and adjacent areas. This section also requires DOE to provide office space for Commission inspection personnel.

Section 63.78 *Material control and accounting records and reports*. This section requires DOE to establish a material inventory system, whereby material and accounting procedures are developed, physical inventories are

performed, loss of special nuclear material, or accidental criticality is reported, and material status and nuclear material transfer reports are generated. This section notes that the material and accounting program is to be the same as that specified at §§ 72.72, 72.74, 72.76, and 72.78.

Subpart E—Technical Criteria

This subpart, except for § 63.101, ''Purpose and nature of findings,'' § 63.102, ''Concepts,'' and § 63.121, ''Requirements for ownership and control of interests in land,'' contains proposed performance objectives for the geologic repository area through permanent closure (preclosure) and the geologic repository after permanent closure (postclosure), and requirements for the analyses used to demonstrate compliance with the performance objectives. The preclosure performance objective is similar to the provisions in Part 60. However, the postclosure performance objective and other requirements differ significantly from Part 60. This subpart proposes compliance to be demonstrated in the context of safety analyses of total system performance and does not prescribe general design or siting criteria, or specific quantitative subsystem performance objectives as was done in Part 60. The Commission is proposing an individual dose limit that is believed to be generally consistent with the Energy Policy Act of 1992 and the findings and recommendations of the National Academy of Sciences' technical bases for Yucca Mountain Standards. When final EPA standards for Yucca Mountain are published, the Commission will amend its regulations to be consistent with the standards, if necessary.

Section 63.101 *Purpose and nature of findings*. This section describes the Commission's expectations for demonstration that the geologic repository will be in conformance with the performance objectives.

Section 63.102 *Concepts*. This section provides a functional overview of this subpart.

Section 63.111 *Performance objectives for the geologic repository operations area through permanent closure*. This section requires DOE to design the geologic operations area to comply with the exposure limits given in this section, conduct an integrated safety analysis, permit implementation of a performance confirmation program, and preserve the option for waste retrieval.

Section 63.112 *Requirements for integrated safety analysis of the geologic repository operations area*. This section specifies the requirements for the integrated safety analysis used to demonstrate compliance with the performance objective through permanent closure provided at §§ 63.111(a)(1) and 63.111(a)(2).

Section 63.113 *Performance objective for the geologic repository after permanent closure*. This section requires DOE to include a system of multiple barriers for the geologic repository, comply with the individual annual dose limit, conduct a performance assessment, and assess the consequences of a specified human intrusion event.

Section 63.114 *Requirements for performance assessment*. This section specifies the requirements for the performance assessment used to demonstrate compliance with the individual dose limit specified at § 63.113(b).

Section 63.115 *Required characteristics of the reference biosphere and critical group*. This section specifies characteristics of the reference biosphere and critical group to be used by DOE in their performance assessment.

Section 63.121 *Requirements for ownership and control of interests in land*. This section requires DOE to have permanent control of the site. It states that DOE shall set up controls necessary to prevent adverse human actions that could affect the repository. DOE is required to obtain water rights needed for the repository.

Subpart F—Performance Confirmation Program

This subpart contains proposed provisions that are similar to the performance confirmation provisions of 10 CFR Part 60.

Section 63.131 *General requirements*. This section states the objectives of the performance confirmation program and specifies that the program be started during site characterization and continue until permanent closure.

Section 63.132 *Confirmation of geotechnical and design parameters*. This section requires DOE to monitor subsurface conditions during repository construction and operation to confirm original design assumptions and to ensure that performance of geologic and engineered features is within design limits. DOE is also required to inform the Commission of any design changes needed to accommodate actual field conditions encountered.

Section 63.133 *Design testing*. This section requires DOE to undertake a program of in situ testing of such features as borehole and shaft seals, backfill, and the thermal interaction effects of waste packages, backfill, rock, and groundwater.

Section 63.134 *Monitoring and testing waste packages*. This section requires DOE to establish a program for monitoring and testing waste packages at the geologic repository operations area that is to continue as long as practical up to the time of permanent closure.

Subpart G—Quality Assurance

This subpart contains proposed provisions that are similar to the quality assurance provisions of 10 CFR Part 60.

Section 63.141 *Scope*. This section requires DOE to establish a quality assurance program to be applied at the geologic repository at the Yucca Mountain site.

Section 63.142 *Applicability*. This section indicates that the quality assurance program applies to all systems, structures, and components important to safety, to design and characterization of barriers important to waste isolation, and to activities related thereto.

Section 63.143 *Implementation*. This section indicates that the quality assurance program is to be based on the criteria of Appendix B of 10 CFR Part 50, as applicable and appropriately supplemented as required by § 63.142.

Subpart H—Training and Certification of Personnel

This subpart contains proposed provisions that are similar to the training and certification provisions of 10 CFR Part 60.

Section 63.151 *General requirements*. This section specifies that operations of systems and components important to safety are to be performed only by trained and certified personnel or by personnel under the direct visual supervision of an individual with training and certification in such operations. This section also specifies that supervisory personnel who direct operations that are important to safety are to be certified in such operations.

Section 63.152 *Training and certification program*. This section specifies that a program for training, proficiency testing, certification, and requalification of operating and supervisory personnel is to be established.

Section 63.153 *Physical requirements*. This section specifies physical requirements for personnel certified for operations that are important to safety.

Subpart I—Emergency Planning Criteria

This subpart contains proposed provisions for emergency planning.

Section 63.161 *Emergency plan for the geologic repository operations area through permanent closure*. This section requires DOE to develop and be prepared to implement a plan to cope with radiological emergencies. The section indicates that the emergency plan is to be based on criteria at § 72.32(b).

Subpart J—Violations

This subpart contains proposed provisions that are similar to the violation provisions of 10 CFR Part 60.

Section 63.171 *Violations*. This section specifies actions the Commission may take, including obtaining a court order to prevent a violation, and contains civil penalty provisions.

Section 63.172 *Criminal penalties*. This section specifies criminal sanctions for violations. For purposes of Section 223 of the Atomic Energy Act of 1954, as amended, that provides for criminal sanctions, all regulations in Part 63 are issued under one or more of §§ 161b, 161i, or 161o except for the sections listed in § 63.172(b).

XIX. Section-by-Section Analysis of Changes to Other Parts

Section-by-section analysis of changes to Parts 2,19, 20, 21, 30, 40, 51, and 61.

10 CFR Part 2

Section 2.101 *Filing of applications* is amended to add reference to Part 63 in the procedures for filing of applications.

Section 2.103 *Action on applications for byproduct, source, special nuclear material, and operator licenses* is amended to add reference to Part 63 in the procedures for notification in this section.

Section 2.104 *Notice of hearing* is amended to add reference to Part 63 in the procedures for notification of hearings.

Section 2.105 *Notice of proposed action* is amended to add reference to Part 63 in the procedures for notification of proposed actions in this section.

Section 2.106(c) *Notice of issuance* is amended to provide for public notification of any action with respect to a license application or license amendment pursuant to Part 63.

10 CFR Part 19

Section 19.2 *Scope* is amended to make Part 63 subject to the regulations in Part 19.

Section 19.3 *Definitions* is amended to add Part 63 to the definition of ''license.''

10 CFR Part 20

Section 20.1002 *Scope* is amended to make Part 63 subject to the regulations in Part 20.

10 CFR Part 21

Section 21.2(a) *Scope* is amended to make Part 63 subject to the regulations in Part 21.

Certain definitions in § 21.3 *Definitions* are amended to include Part 63.

By changes to § 21.21 *Notification of failure to comply or of a defect and its evaluation*, Part 63 is made subject to the regulations for reporting defects and noncompliance.

10 CFR Part 30

Changes to § 30.11 *Specific exemptions* make DOE exempt from Part 30 regulations for activities subject to Part 63.

10 CFR Part 40

Changes to § 40.14 *Specific exemptions* make DOE exempt from Part 40 regulations for activities subject to Part 63.

10 CFR Part 51

Section 51.20 *Criteria for and identification of licensing and regulatory actions requiring environmental impact statements* is amended to add reference to Part 63 under actions requiring environmental impact statements.

Section 51.22 *Criteria for categorical exclusion; identification of licensing and regulatory actions eligible for categorical exclusion or otherwise not requiring environmental review* is amended to add reference to Part 63 in requirements for categorical exclusion from environmental review.

Section 51.26 *Requirement to publish notice of intent and conduct scoping process* is amended to add reference to Part 63 in procedures for receipt of an application and accompanying environmental impact statement from DOE.

Section 51.67 *Environmental information concerning geologic repositories* is amended to add reference to Part 63 in requirements for submission of an environmental impact statement by DOE.

10 CFR Part 61

Section 61.1 *Purpose and scope* is amended to state that the regulations of Part 61 do not apply to disposal of HLW as provided for in Part 63.

Section 61.2 *Definitions*, the definition of ''land disposal facility'' is amended to clarify that a geologic repository as defined in Part 63 is not considered a land disposal facility.

Section 61.55 *Waste classification* is amended to add reference to Part 63 in the definition of a geologic repository.

XX. Specific Questions for Public Comment

The Commission welcomes comments on all aspects of this proposed rule, and is especially interested in receiving comments on the following:

1. The Commission solicits comments on the appropriateness of its proposed approach to defining the critical group and reference biosphere for Yucca Mountain. In particular, the Commission solicits comments on any other candidate population groups, biosphere assumptions and potential exposure pathways that should be considered in the establishment of a ''critical group'' for Yucca Mountain.

2. The Commission solicits comments on the appropriateness of its proposed human intrusion scenario, and the assumed timing of its occurrence, as a reasonable measure for evaluating the consequences of intrusion at a repository at Yucca Mountain.

3. The Commission solicits comment on the merits of requiring DOE to implement a quality assurance program for the geologic repository based on the criteria of Appendix B of 10 CFR Part 50.

4. The Commission solicits comments on the suitability of alternative criteria for proposed § 63.44. These alternative criteria are included in the statement of considerations discussion of proposed § 63.44 and are substantially equivalent to that proposed last year for nuclear reactors and spent fuel storage facilities.

5. The Commission solicits comments on whether the approach and criteria for changes, tests, and experiments at § 63.44 should apply solely to the Safety Analysis Report or to the contents of the entire license application, irrespective of whether proposed § 63.44 or the alternative criteria presented in the statement of consideration are selected.

XXI. Plain Language

The Presidential memorandum dated June 1, 1998, entitled ''Plain Language in Government Writing,'' directed that the Federal government's writing be in plain language. The NRC requests comments on this proposed rule specifically with respect to the clarity and effectiveness of the language used. Comments should be sent to the address listed above.

XXII. Finding of No Significant Environmental Impact: Availability

Pursuant to Section 121(c) of the Nuclear Waste Policy Act, this proposed rule does not require the preparation of an environmental impact statement under Section 102(2)(c) of the National Environmental Policy Act of 1969 or any environmental review under subparagraph (E) or (F) of Section 102(2) of such act.

XXIII. Paperwork Reduction Act Statement

This proposed rule contains information collection requirements that are subject to the Paperwork Reduction Act of 1995 (44 U.S.C. 3501 *et seq.*). This rule has been submitted to the Office of Management and Budget for review and approval of the paperwork requirements.

The public reporting burden for this collection of information is estimated to average 121 hours per response, including the time for reviewing instructions, searching existing data sources, gathering and maintaining the data needed, and completing and reviewing the collection of information. The U.S. Nuclear Regulatory Commission is seeking public comment on the potential impact of the information collection contained in the proposed rule and on the following issues:

1. Is the proposed information collection necessary for the proper performance of the functions of NRC, including whether the information will have practical utility?
2. Is the estimate of burden accurate?
3. Is there a way to enhance the quality, utility, and clarity of the information to be collected?
4. How can the burden of the information collection be minimized, including the use of automated collection techniques?

Send comments on any aspect of this proposed information collection, including suggestions for reducing this burden, to the Records Management Branch (T–6F–33), U.S. Nuclear Regulatory Commission, Washington, DC 20555–0001, or by Internet electronic mail at BJS1@nrc.gov; and to the Desk Officer, Office of Information and Regulatory Affairs, NEOB–10202, (3150–AG04), Office of Management and Budget, Washington, DC 20503.

Comments to OMB on the information collections or on the above issues should be submitted by March 24, 1999. Comments received after this date will be considered if it is practical to do so, but assurance of consideration cannot be given to comments received after this date.

Public Protection Notification

If a means used to impose an information collection does not display a currently valid OMB control number, the NRC may not conduct or sponsor, and a person is not required to respond to, the information collection.

XXIV. Regulatory Analysis

The NRC has prepared a regulatory analysis on this regulation. The analysis examines the alternatives considered by NRC. The analysis is available for inspection in the NRC Public Document Room, 2120 L Street NW. (Lower Level), Washington, DC. Single copies of the analysis may be obtained from Clark Prichard, Office of Nuclear Material Safety and Safeguards, U.S. Nuclear Regulatory Commission, Washington, DC 20555, telephone (301) 415–6203, e-mail CWP@nrc.gov.

XXV. Regulatory Flexibility Certification

In accordance with the Regulatory Flexibility Act (5 U.S.C. 605(b)), the Commission certifies that this rule will not, if promulgated, have a significant economic impact on a substantial number of small entities. This proposed rule relates to the licensing of only one entity, the Department of Energy, which does not fall within the scope of the definition of ''small entities'' set forth in the Regulatory Flexibility Act.

XXVI. Backfit Statement

The NRC has determined that the backfit rule, 10 CFR 50.109, does not apply to this proposed rule and, therefore, that a backfit analysis is not required because this rule does not involve any provisions which would impose backfits as defined in 10 CFR 50.109(a)(1).

List of Subjects

10 CFR Part 2

Administrative procedure and practice, Antitrust, Byproduct material, Classified information, Environmental protection, Nuclear materials, Nuclear power plants and reactors, Penalties, Sex discrimination, Source material, Special nuclear material, Waste treatment and disposal.

10 CFR Part 19

Criminal penalties, Environmental protection, Nuclear materials, Nuclear power plants and reactors, Occupational safety and health, Radiation protection, Reporting and recordkeeping requirements, Sex discrimination.

10 CFR Part 20

Byproduct material, Criminal penalties, Licensed material, Nuclear materials, Nuclear power plants and reactors, Occupational safety and health, Packaging and containers, Radiation protection, Reporting and recordkeeping requirements, Special nuclear material, Source material, Waste treatment and disposal.

10 CFR Part 21

Nuclear power plants and reactors, Penalties, Radiation protection, Reporting and recordkeeping requirements.

10 CFR Part 30

Byproduct material, Criminal penalties, Government contracts, Intergovernmental relations, Isotopes, Nuclear materials, Radiation protection, Reporting and recordkeeping requirements.

10 CFR Part 40

Criminal penalties, Government contracts, Hazardous materials transportation, Nuclear materials, Reporting and recordkeeping requirements, Source material, Uranium.

10 CFR Part 51

Administrative practice and procedure, Environmental impact statement, Nuclear materials, Nuclear power plants and reactors, Reporting and recordkeeping requirements.

10 CFR Part 60

Criminal penalties, High-level waste, Nuclear power plants and reactors, Nuclear materials, Reporting and recordkeeping requirements, Waste treatment and disposal.

10 CFR Part 61

Criminal penalties, Low level waste, Nuclear materials, Reporting and recordkeeping requirements, Waste treatment and disposal.

10 CFR Part 63

Criminal penalties, High-level waste, Nuclear power plants and reactors, Nuclear materials, Reporting and recordkeeping requirements, Waste treatment and disposal.

For the reasons set out in the preamble and under the authority of the Atomic Energy Act of 1954, as amended; the Energy Reorganization Act of 1974, as amended; the Nuclear Waste Policy Act of 1982, as amended; and 5 U.S.C. 552 and 553, the NRC is proposing to adopt the following amendments to 10 CFR Parts 2, 19, 20, 21, 30, 40, 51, and 60 and to add the new 10 CFR Part 63.

PART 2—RULES OF PRACTICE FOR DOMESTIC LICENSING PROCEEDINGS AND ISSUANCE OF ORDERS

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

Authority: Secs. 161, 181, 68 Stat. 948, 953, as amended (42 U.S.C. 2201, 2231); sec. 191, as amended, Pub. L. 87–615, 76 Stat. 409 (42 U.S.C. 2241); sec. 201, 88 Stat. 1242, as amended (42 U.S.C. 5841); 5 U.S.C. 552.

Section 2.101 also issued under secs. 53, 62, 63, 81, 103, 104, 105, 68 Stat. 930, 932, 933, 935, 936, 937, 938, as amended (42 U.S.C. 2073, 2092, 2093, 2111, 2133, 2134, 2135); sec. 114(f), Pub. L. 97–425, 96 Stat. 2213, as amended (42 U.S.C. 10134(f)); sec. 102, Pub. L. 91–190, 83 Stat. 853, as amended (42 U.S.C. 4332); sec. 301, 88 Stat. 1248 (42 U.S.C. 5871). Sections 2.102, 2.103, 2.104, 2.105, 2.721 also issued under secs. 102, 103, 104, 105, 183, 189, 68 Stat. 936, 937, 938, 954, 955, as amended (42 U.S.C. 2132, 2133, 2134, 2135, 2233, 2239). Section 2.105 also issued under Pub. L. 97–415, 96 Stat. 2073 (42 U.S.C. 2239). Sections 2.200–2.206 also issued under secs. 161 b, i, o, 182, 186, 234, 68 Stat. 948–951, 955, 83 Stat. 444, as amended (42 U.S.C. 2201 (b), (i), (o), 2236, 2282); sec. 206, 88 Stat 1246 (42 U.S.C. 5846). Sections 2.205(j) also issued under Pub. L. 101–410, 104 Stat. 890, as amended by section 31001(s), Pub. L. 104–134, 110 Stat. 1321–373 (28 U.S.C. 2461 note). Sections 2.600–2.606 also issued under sec. 102, Pub. L. 91–190, 83 Stat. 853, as amended (42 U.S.C. 4332). Sections 2.700a, 2.719 also issued under 5 U.S.C. 554. Sections 2.754, 2.760, 2.770, 2.780 also issued under 5 U.S.C. 557. Section 2.764 also issued under secs. 135, 141, Pub. L. 97–425, 96 Stat. 2232, 2241 (42 U.S.C. 10155, 10161). Section 2.790 also issued under sec. 103, 68 Stat. 936, as amended (42 U.S.C. 2133) and 5 U.S.C. 552. Sections 2.800 and 2.808 also issued under 5 U.S.C. 553. Section 2.809 also issued under 5 U.S.C. 553 and sec. 29, Pub. L. 85–256, 71 Stat. 579, as amended (42 U.S.C. 2039). Subpart K also issued under sec. 189, 68 Stat. 955 (42 U.S.C. 2239); sec. 134, Pub. L. 97–425, 96 Stat. 2230 (42 U.S.C. 10154). Subpart L also issued under sec. 189, 68 Stat. 955 (42 U.S.C. 2239). Appendix A also issued under sec. 6, Pub. L. 91–560, 84 Stat. 1473 (42 U.S.C. 2135).

2. Section 2.101 is amended by revising paragraphs (f)(1) and (f)(5) to read as follows:

§ 2.101 Filing of applications.

* * * * *

(f)(1) Each application for a license to receive and possess high-level radioactive waste at a geologic repository operations area pursuant to Parts 60 or 63 of this chapter and any environmental impact statement required in connection therewith pursuant to Subpart A of Part 51 of this chapter shall be processed in accordance with the provisions of this paragraph.

* * * * *

(5)(i) If a tendered document is acceptable for docketing, the applicant will be requested to—

(A) Submit to the Director of Nuclear Material Safety and Safeguards such additional copies of the application and environmental impact statement as the regulations in Part 60 or 63 and Subpart A of Part 51 of this chapter require;

(B) Serve a copy of such application and environmental impact statement on the chief executive of the municipality in which the geologic repository operations area is to be located, or if the geologic repository operations area is not to be located within a municipality, on the chief executive of the county (or to the Tribal organization, if it is to be located within an Indian reservation); and

(C) Make direct distribution of additional copies to Federal, state, Indian Tribe, and local officials in accordance with the requirements of this chapter, and written instructions from the Director of Nuclear Material Safety and Safeguards.

(ii) All such copies shall be completely assembled documents, identified by docket number. Subsequently distributed amendments to the application, however, may include revised pages to previous submittals and, in such cases, the recipients will be responsible for inserting the revised pages.

* * * * *

3. Section 2.103 is amended by revising paragraph (a) to read as follows:

§ 2.103 Action on applications for byproduct, source, special nuclear material, and operator licenses.

(a) If the Director of Nuclear Reactor Regulation or the Director of Nuclear Material Safety and Safeguards, as appropriate, finds that an application for a byproduct, source, special nuclear material, or operator license complies with the requirements of the Act, the Energy Reorganization Act, and this chapter, he will issue a license. If the license is for a facility, or for the receipt of waste radioactive material from other persons for the purpose of commercial disposal by the waste disposal licensee, or if it is to receive and possess high-level radioactive waste at a geologic repository operations area pursuant to Part 60 or 63 of this chapter, the Director of Nuclear Reactor Regulation or the Director of Nuclear Material Safety and Safeguards, as appropriate, will inform the State, Tribal, and local officials specified in § 2.104(e) of the issuance of the license. For notice of issuance requirements for licenses issued pursuant to part 61 of this chapter, see § 2.106(d).

* * * * *

4. Section 2.104 is amended by revising paragraph (e) to read as follows:

§ 2.104 Notice of hearing.

* * * * *

(e) The Secretary will give timely notice of the hearing to all parties and to other persons, if any, entitled by law to notice. The Secretary will transmit a notice of the hearing on an application for a license for a production or utilization facility, for a license for receipt of waste radioactive material from other persons for the purpose of commercial disposal by the waste disposal licensee, for a license under Part 61 of this chapter, for a license to receive and possess high-level radioactive waste at a geologic repository operations area pursuant to Part 60 or 63 of this chapter, and for a license under Part 72 of this chapter to acquire, receive or possess spent fuel for the purpose of storage in an independent spent fuel storage installation (ISFSI) to the governor or other appropriate official of the State and to the chief executive of the municipality in which the facility is to be located or the activity is to be conducted or, if the facility is not to be located or the activity conducted within a municipality, to the chief executive of the county (or to the Tribal organization, if it is to be so located or conducted within an Indian reservation).

5. Section 2.105 is amended by revising paragraph (a)(5) to read as follows:

§ 2.105 Notice of proposed action.

(a) * * *

(5) A license to receive and possess high-level radioactive waste at a geologic repository operations area pursuant to Part 60 or 63 of this chapter.

* * * * *

6. Section 2.106 is amended by revising paragraph (c) to read as follows:

§ 2.106 Notice of issuance.

* * * * *

(c) The Director of Nuclear Material Safety and Safeguards will also cause to be published in the **Federal Register** notice of, and will inform the State, local, and Tribal officials specified in § 2.104(e) of any action with respect to, an application for a license to receive and possess high-level radioactive waste at a geologic repository operations area pursuant to Parts 60 or 63 of this chapter, or for the amendment to such license for which a notice of proposed action has been previously published.

* * * * *

PART 19—NOTICES, INSTRUCTIONS, AND REPORTS TO WORKERS; INSPECTION AND INVESTIGATIONS

7. The authority citation for Part 19 continues to read as follows:

Authority: Secs. 53, 63, 81, 103, 104, 161, 186, 68 Stat. 930, 933, 935, 936, 937, 948, 955, as amended, sec. 234, 83 Stat. 444, as amended, sec. 1701, 106 Stat. 2951, 2952, 2953 (42 U.S.C. 2073, 2093, 2111, 2133, 2134, 2201, 2236, 2282 2297f); sec. 201, 88 Stat. 1242, as amended (42 U.S.C. 5841); Pub. L. 95–601, sec. 10, 92 Stat. 2951 (42 U.S.C. 5851).

8. Section 19.2 is revised to read as follows:

§ 19.2 Scope.

The regulations in this part apply to all persons who receive, possess, use, or transfer material licensed by the Nuclear Regulatory Commission pursuant to the regulations in Parts 30 through 36, 39, 40, 60, 61, 63, 70, or Part 72 of this chapter, including persons licensed to operate a production or utilization facility pursuant to Part 50 of this chapter, persons licensed to possess power reactor spent fuel in an independent spent fuel storage installation (ISFSI) pursuant to Part 72 of this chapter, and in accordance with § 76.60 to persons required to obtain a certificate of compliance or an approved compliance plan under Part 76 of this chapter. The regulations regarding interviews of individuals under subpoena apply to all investigations and inspections within the jurisdiction of the Nuclear Regulatory Commission other than those involving NRC employees or NRC contractors. The regulations in this part do not apply to subpoenas issued pursuant to 10 CFR 2.720.

9. Section 19.3 is amended by revising the definition of License to read as follows:

§ 19.3 Definitions.

* * * * *

License means a license issued under the regulations in Parts 30 through 36, 39, 40, 60, 61, 63, 70, or 71 of this chapter, including licenses to operate a production or utilization facility pursuant to Part 50 of this chapter.

* * * * *

PART 20—STANDARDS FOR PROTECTION AGAINST RADIATION

10. The authority citation for Part 20 continues to read as follows:

Authority: Secs. 53, 63, 65, 81, 103, 104, 161, 182, 186, 68 Stat. 930, 933, 935, 936, 937, 948, 953, 955, as amended, sec. 1701, 106 Stat. 2951, 2952, 2953 (42 U.S.C. 2073, 2093, 2095, 2111, 133, 2134, 2201, 2232, 2236, 2297f), secs. 201, as amended, 202, 206, 88 Stat. 1242, as amended, 1244, 1246 (42 U.S.C. 5841, 5842, 5846).

11. Section 20.1002 is revised to read as follows:

§ 20.1002 Scope.

The regulations in this part apply to persons licensed by the Commission to receive, possess, use, transfer, or dispose of byproduct, source, or special nuclear material, or to operate a production or utilization facility under Parts 30 through 36, 39, 40, 60, 61, 63, 70, or 72 of this chapter, and in accordance with 10 CFR 76.60 to persons required to obtain a certificate of compliance or an approved compliance plan under Part 76 of this chapter. The limits in this part do not apply to doses due to background radiation, to exposure of patients to radiation for the purpose of medical diagnosis or therapy, to exposure from individuals administered radioactive material and released in accordance with § 35.75, or to exposure from voluntary participation in medical research programs.

PART 21—REPORTING OF DEFECTS AND NONCOMPLIANCE

12. The authority citation for Part 21 continues to read as follows:

Authority: Sec. 161, 68 Stat. 948, as amended, sec. 234, 83, Stat. 444, as amended, sec. 1701, 106 Stat. 2951, 2953 (42 U.S.C. 2201, 2282, 2297f); secs. 201, as amended, 206, 88 Stat. 1242, as amended 1246 (42 U.S.C. 5841, 5846).

Section 21.2 also issued under secs. 135, 141, Pub. L. 97–425, 96 Stat. 2232, 2241 (42 U.S.C. 10155, 10161).

13. Section 21.2 is amended by revising paragraph (a) to read as follows:

§ 21.2 Scope.

(a) The regulations in this part apply, except as specifically provided otherwise in Parts 31, 34, 35, 39, 40, 60, 61, 63, 70, or Part 72 of this chapter, to each individual, partnership, corporation, or other entity licensed pursuant to the regulations in this chapter to possess, use, or transfer within the United States source material, byproduct material, special nuclear material, and/or spent fuel and high level radioactive waste, or to construct, manufacture, possess, own, operate or transfer within the United States, any production or utilization facility or independent spent fuel storage installation (ISFSI) or monitored retrievable storage installation (MRS); and to each director and responsible officer of such a licensee. The regulations in this part apply also to each individual, corporation, partnership, or other entity doing business within the United States, and each director and responsible officer of such organization, that constructs a production or utilization facility licensed for the manufacture, construction, or operation pursuant to Part 50 of this chapter, an ISFSI for the storage of spent fuel licensed pursuant to Part 72 of this chapter, an MRS for the storage of spent fuel or high level radioactive waste pursuant to Part 72 of this chapter, or a geologic repository for the disposal of high-level radioactive waste under Parts 60 or 63 of this chapter; or supplies basic components for a facility or activity licensed, other than for export, under Parts 30, 40, 50, 60, 61, 63, 70, 71, or Part 72 of this chapter.

§ 21.3 [Amended]

14. Section 21.3 is amended by adding the number 63 after ''10 CFR Parts 30, 40, 50 (other than nuclear power plants), 61'' in paragraph (2) in the definition of *basic components, commercial grade item, dedication,* and in the definition of *substantial safety hazard* between ''61'' and ''70''.

15. Section 21.21 is amended by revising paragraphs (d)(1)(i) and (d)(1)(ii) to read as follows:

§ 21.21 Notification of failure to comply or existence of a defect and its evaluation.

* * * * *

(d)(1) * * *

(i) The construction or operation of a facility or an activity within the United States that is subject to the licensing requirements under Parts 30, 40, 50, 60, 61, 63, 70, or 72 of this chapter and that is within his or her organization's responsibility; or

(ii) A basic component that is within his or her organization's responsibility and is supplied for a facility or an activity within the United States that is subject to the licensing requirements under Parts 30, 40, 50, 60, 61, 63, 70, or 72 of this chapter.

* * * * *

PART 30—RULES OF GENERAL APPLICABILITY TO DOMESTIC LICENSING OF BYPRODUCT MATERIAL

16. The authority citation for Part 30 continues to read as follows:

Authority: Secs. 81, 82, 161, 182, 183, 186, 68 Stat. 935, 948, 953, 954, 955, as amended, sec. 234, 83 Stat. 444 as amended (42 U.S.C. 2111, 2112, 2201, 2232, 2233, 2236, 2282); secs. 201, as amended, 202, 206, 88 Stat. 1242, as amended, 1244, 1246(42 U.S.C. 5841, 5842, 5846).

Section 30.7 also issued under Pub. L. 95–601, sec. 10, 92 Stat. 2951 (42 U.S.C. 5851). Section 30.34(b) also issued under sec. 184, 69 Stat. 954, as amended (42 U.S.C. 2234). Section 30.61 also issued under sec. 187, 68 Stat. 955 (42 U.S.C. 2237).

17. Section 30.11 is amended by revising paragraph (c) to read as follows:

§ 30.11 Specific exemptions.

* * * * *

(c) The DOE is exempt from the requirements of this part to the extent that its activities are subject to the requirements of Parts 60 or 63 of this chapter.

* * * * *

PART 40—DOMESTIC LICENSING OF SOURCE MATERIAL

18. The authority citation for Part 40 continues to read as follows:

Authority: Secs. 62, 63, 64, 65, 81, 161, 182, 183, 186, 68 Stat. 932, 933, 935, 948, 953, 954, 955, as amended, secs. 11e(2), 83, 84, Pub. L. 95–604, 92 Stat. 3033, as amended, 3039, sec. 234, 83 Stat. 444, as amended (42 U.S.C. 2014(e)(2), 2092, 2093, 2094, 2095, 2111, 2113, 2114, 2201, 2232, 2233, 2236, 2282); sec. 274, Pub. L. 86–373, 73 Stat. 688 (42 U.S.C. 2021); secs. 201, as amended, 202, 206, 88 Stat. 1242, as amended, 1244, 1246 (42 U.S.C. 5841, 5842, 5846); sec. 275, 92 Stat. 3021, as amended by Pub. L. 97–415, 96 Stat. 2067 (42 U.S.C. 2022).

Section 40.7 also issued under Pub. L. 95–601, sec. 10, 92 Stat. 2951 (42 U.S.C. 5851). Section 40.31(g) also issued under sec. 122, 68 Stat. 939 (42 U.S.C. 2152). Section 40.46 also issued under sec. 184, 68 Stat. 954, as amended (42 U.S.C. 2234). Section 40.71 also issued under sec. 187, 68 Stat. 955 (42 U.S.C. 2237).

19. Section 40.14 is amended by revising paragraph (c) to read as follows:

§ 40.14 Specific exemptions.

* * * * *

(c) The DOE is exempt from the requirements of this part to the extent that its activities are subject to the requirements of Parts 60 or 63 of this chapter.

* * * * *

PART 51—ENVIRONMENTAL PROTECTION REGULATIONS FOR DOMESTIC LICENSING AND RELATED REGULATORY FUNCTIONS

20. The authority citation for Part 51 continues to read as follows:

Authority: Sec. 161, 68 Stat. 948, as amended, sec. 1701, 106 Stat. 2951, 2952, 2953, (42 U.S.C. 2201, 2297f); secs. 201, as amended, 202, 88 Stat. 1242, as amended, 1244 (42 U.S.C. 5841, 5842). Subpart A also issued under National Environmental Policy Act of 1969, secs. 102, 104, 105, 83 Stat. 853–854, as amended (42 U.S.C. 4332, 4334, 4335); and Pub. L. 95–604, Title II, 92 Stat. 3033–3041; and sec. 193, Pub. L. 101–575, 104 Stat. 2835 (42 U.S.C. 2243). Sections 51.20, 51.30 51.60, 51.61, 51.80, and 51.97 also issued under secs 135, 141, Pub. L. 97–425, 96 Stat, 2232, 2241, and sec. 148, Pub. L. 100–203, 101 Stat. 1330–223 (42 U.S.C. 10155, 10161, 10168). Section 51.22 also issued under sec. 274, 73 Stat. 688, as amended by 92 Stat. 3036–3038 (42 U.S.C. 2021 and under Nuclear Waste Policy Act of 1982, sec. 121, 96 Stat. 2228 (42 U.S.C. 10141). Sections 51.43, 51.67, and 51.109 also issued under Nuclear Waste Policy Act of 1982, sec 114(f), 96 Stat, 2216, as amended (42 U.S.C. 10134 (f)).

21. Section 51.20 is amended by revising paragraph (b)(13) to read as follows:

§ 51.20 Criteria for and identification of licensing and regulatory actions requiring environmental impact statements.

* * * * *

(b) * * *

(13) Issuance of a construction authorization and license pursuant to Parts 60 or 63 of this chapter.

* * * * *

22. Section 51.22 is amended by revising paragraphs (c)(3), (c)(10), and (d) to read as follows:

§ 51.22 Criteria for categorical exclusion; identification of licensing and regulatory actions eligible for categorical exclusion or otherwise not requiring environmental review.

* * * * *

(c) * * *

(3) Amendments to Parts 20, 30, 31, 32, 33, 34, 35, 39, 40, 50, 51, 54, 60, 61, 63, 70, 71, 72, 73, 74, 81, and 100 of this chapter which relate to—

* * * * *

(10) Issuance of an amendment to a permit or license pursuant to Parts 30, 31, 32, 33, 34, 35, 36, 39, 40, 50, 60, 61, 63, 70, or Part 72 of this chapter which—

(i) Changes surety, insurance and/or indemnity requirements; or

(ii) Changes recordkeeping, reporting, or administrative procedures or requirements.

* * * * *

(d) In accordance with Section 121 of the Nuclear Waste Policy Act of 1982 (42 U.S.C. 10141), the promulgation of technical requirements and criteria that the Commission will apply in approving or disapproving applications under Parts 60 or 63 of this chapter shall not require an environmental impact statement, an environmental assessment, or any environmental review under subparagraph (E) or (F) of section 102(2) of NEPA.

23. Section 51.26 is amended by revising paragraph (c) to read as follows:

§ 51.26 Requirement to publish notice of intent and conduct scoping process.

* * * * *

(c) Upon receipt of an application and accompanying environmental impact statement under § 60.22 or § 63.22 of this chapter (pertaining to geologic repositories for high-level radioactive waste), the appropriate NRC staff director will include in the notice of docketing required to be published by § 2.101(f)(8) of this chapter a statement of Commission intention to adopt the environmental impact statement to the extent practicable. However, if the appropriate NRC staff director determines, at the time of such publication or at any time thereafter, that NRC should prepare a supplemental environmental impact statement in connection with the Commission's action on the license application, the procedures set out in paragraph (a) of this section shall be followed.

24. Section 51.67 is amended by revising paragraphs (a) and (b) to read as follows:

§ 51.67 Environmental information concerning geologic repositories.

(a) In lieu of an environmental report, the Department of Energy, as an applicant for a license or license amendment pursuant to Parts 60 or 63 of this chapter, shall submit to the Commission any final environmental impact statement which the department prepares in connection with any geologic repository developed under Subtitle A of Title I, or under Title IV, of the Nuclear Waste Policy Act of 1982, as amended. (See § 60.22 or § 63.22 of this chapter as to required time and manner of submission.) The statement shall include, among the alternatives under consideration, denial of a license or construction authorization by the Commission.

(b) Under applicable provisions of law, the Department of Energy may be required to supplement its final environmental impact statement if it makes a substantial change in its proposed action that is relevant to environmental concerns or determines that there are significant new circumstances or information relevant to environmental concerns and bearing on the proposed action or its impacts. The Department shall submit any supplement to its final environmental impact statement to the Commission. (See § 60.22 or § 63.22 of this chapter as

to required time and manner of submission.)

* * * * *

PART 60—DISPOSAL OF HIGH-LEVEL RADIOACTIVE WASTES IN GEOLOGIC REPOSITORIES

25. The authority citation for Part 60 continues to read as follows:

Authority: Secs. 51, 53, 62, 63, 65, 81, 161, 182, 183, 68 Stat. 929, 930, 932, 933, 935, 948, 953, 954, as amended (42 U.S.C. 2071, 2073, 2092, 2093, 2095, 2111, 2201, 2232, 2233); secs. 202, 206, 88 Stat.1244, 1246 (42 U.S.C. 5842, 5846); secs. 10 and 14, Pub. L. 95-601, 92 Stat. 2951 (42 U.S.C. 2021a and 5851); sec. 102, Pub. L. 91–190, 83 Stat. 853 (42 U.S.C. 4332); secs. 114, 121, Pub. L. 97–425, 96 Stat. 2213g, 2238, as amended (42 U.S.C. 10134, 10141), and Pub. L. 102–486, sec. 2902, 106 Stat. 3123 (42 U.S.C. 5851).

26. Section 60.1 is revised to read as follows:

§ 60.1 Purpose and scope.

This part prescribes rules governing the licensing of the U.S. Department of Energy to receive and possess source, special nuclear, and byproduct material at a geologic repository operations area sited, constructed, or operated in accordance with the Nuclear Waste Policy Act of 1982. This part does not apply to any activity licensed under another part of this chapter. This part does not apply to the licensing of the U.S. Department of Energy to receive and possess source, special nuclear, and byproduct material at a geologic repository operations area sited, constructed, or operated at Yucca Mountain, Nevada, in accordance with the Nuclear Waste Policy Act of 1982, as amended, and the Energy Policy Act of 1992, subject to Part 63 of this chapter. This part also gives notice to all persons who knowingly provide to any licensee, applicant, contractor, or subcontractor, components, equipment, materials, or other goods or services, that relate to a licensee's or applicant's activities subject to this part, that they may be individually subject to NRC enforcement action for violation of § 60.11.

PART 61—LICENSING REQUIREMENTS FOR LAND DISPOSAL OF RADIOACTIVE WASTE

27. The authority citation for Part 61 continues to read as follows:

Authority: Secs. 53, 57, 62, 63, 65, 81, 161, 182, 183, 68 Stat. 930, 932, 933, 935, 948, 953, 954, as amended (42 U.S.C. 2073, 2077, 2092, 2093, 2095, 2111, 2201, 2232, 2233); secs. 202, 206, 88 Stat. 1244, 1246, (42 U.S.C. 5842, 5846); secs. 10 and 14, Pub. L. 95–601, 92 Stat. 2951 (42 U.S.C. 2021a and 5851) and Pub. L. 102–486, sec. 2902, 106 Stat. 3123, (42 U.S.C. 5851).

28. Section 61.1 is amended by revising paragraph (b) to read as follows:

§ 61.1 Purpose and scope.

* * * * *

(b) Except as provided in Part 150 of this chapter, which addresses assumption of certain regulatory authority by Agreement States, and § 61.6 ''Exemptions,'' the regulations in this part apply to all persons in the United States. The regulations in this part do not apply to—

(1) Disposal of high-level waste as provided for in Parts 60 or 63 of this chapter;

(2) Disposal of uranium or thorium tailings or wastes (byproduct material as defined in § 40.4 (a–1) as provided for in Part 40 of this chapter in quantities greater than 10,000 kilograms and containing more than 5 millicuries of radium-226; or

(3) Disposal of licensed material as provided for in Part 20 of this chapter.

* * * * *

29. In Section 61.2, the definition of *Land disposal facility* is revised to read as follows:

§ 61.2 Definitions.

* * * * *

Land disposal facility means the land, building, and structures, and equipment which are intended to be used for the disposal of radioactive wastes. For purposes of this chapter, a ''geologic repository'' as defined in Parts 60 or 63 is not considered a land disposal facility.

* * * * *

30. Section 61.55 is amended by revising paragraph (a)(2)(iv) to read as follows:

§ 61.55 Waste classification.

(a) * * *

(2) * * *

(iv) Waste that is not generally acceptable for near-surface disposal is waste for which form and disposal methods must be different, and in general more stringent, than those specified for Class C waste. In the absence of specific requirements in this part, such waste must be disposed of in a geologic repository as defined in Parts 60 or 63 of this chapter unless proposals for disposal of such waste in a disposal site licensed pursuant to this part are approved by the Commission.

* * * * *

31. Part 63 is added to read as follows:

PART 63—DISPOSAL OF HIGH-LEVEL RADIOACTIVE WASTES IN A GEOLOGIC REPOSITORY AT YUCCA MOUNTAIN, NEVADA

Subpart A—General Provisions

Sec.
63.1 Purpose and scope.
63.2 Definitions.
63.3 License required.
63.4 Communications and records.
63.5 Interpretations.
63.6 Exemptions.
63.7 License not required for certain preliminary activities.
63.8 Information collection requirements: OMB Approval.
63.9 Employee protection.
63.10 Completeness and accuracy of information.
63.11 Deliberate misconduct.

Subpart B—Licenses

PREAPPLICATION REVIEW
63.15 Site characterization.
63.16 Review of site characterization activities.
LICENSE APPLICATION
63.21 Content of application.
63.22 Filing and distribution of application.
63.23 Elimination of repetition.
63.24 Updating of application and environmental impact statement.
CONSTRUCTION AUTHORIZATION
63.31 Construction authorization.
63.32 Conditions of construction authorization.
63.33 Amendment of construction authorization.
LICENSE ISSUANCE AND AMENDMENT
63.41 Standards for issuance of a license.
63.42 Conditions of license.
63.43 License specification.
63.44 Changes, tests, and experiments.
63.45 Amendment of license.
63.46 Particular activities requiring license amendment.
PERMANENT CLOSURE
63.51 License amendment for permanent closure.
63.52 Termination of license.

Subpart C—Participation by State Government and Affected Indian Tribes

63.61 Provision of information.
63.62 Site review.
63.63 Participation in license reviews.
63.64 Notice to State.
63.65 Representation.

Subpart D—Records, Reports, Tests, and Inspections

63.71 Records and reports.
63.72 Construction records.
63.73 Reports of deficiencies.
63.74 Tests.
63.75 Inspections.
63.78 Material control and accounting records and reports.

Subpart E—Technical Criteria

63.101 Purpose and nature of findings.
63.102 Concepts.

PERFORMANCE OBJECTIVES

63.111 Performance objectives for the geologic repository operations area through permanent closure.

INTEGRATED SAFETY ANALYSIS

63.112 Requirements for integrated safety analysis of the geologic repository operations area.
63.113 Performance objective for the geologic repository after permanent closure.

PERFORMANCE ASSESSMENT

63.114 Requirements for performance assessment.

CHARACTERISTICS OF THE REFERENCE BIOSPHERE AND CRITICAL GROUP

63.115 Required characteristics of the reference biosphere and critical group.

LAND OWNERSHIP AND CONTROL

63.121 Requirements for ownership and control of interests in land.

Subpart F—Performance Confirmation Program

63.131 General requirements.
63.132 Confirmation of geotechnical and design parameters.
63.133 Design testing.
63.134 Monitoring and testing waste packages.

Subpart G—Quality Assurance

63.141 Scope.
63.142 Applicability.
63.143 Implementation.

Subpart H—Training and Certification of Personnel

63.151 General requirements.
63.152 Training and certification program.
63.153 Physical requirements.

Subpart I—Emergency Planning Criteria

63.161 Emergency plan for the geologic repository operations area through permanent closure.

Subpart J—Violations

63.171 Violations.
63.172 Criminal penalties.

Authority: Secs. 51, 53, 62, 63, 65, 81, 161, 182, 183, 68 Stat. 929, 930, 932, 933, 935, 948, 953, 954, as amended (42 U.S.C. 2071, 2073, 2092, 2093, 2095, 2111, 2201, 2232, 2233); secs. 202, 206, 88 Stat.1244, 1246 (42 U.S.C. 5842, 5846); secs. 10 and 14, Pub. L. 95–601, 92 Stat. 2951 (42 U.S.C. 2021a and 5851); sec. 102, Pub. L. 91–190, 83 Stat. 853 (42 U.S.C. 4332); secs. 114, 121, Pub. L. 97–425, 96 Stat. 2213g, 2238, as amended (42 U.S.C. 10134, 10141), and Pub. L. 102–486, sec. 2902, 106 Stat. 3123 (42 U.S.C. 5851).

Subpart A—General Provisions

§ 63.1 Purpose and scope.

This part prescribes rules governing the licensing of the U.S. Department of Energy to receive and possess source, special nuclear, and byproduct material at a geologic repository operations area sited, constructed, or operated at Yucca Mountain, Nevada, in accordance with the Nuclear Waste Policy Act of 1982, as amended, and the Energy Policy Act of 1992. As provided in § 60.1, ''Purpose and scope,'' the regulations in Part 60 of this chapter do not apply to any activity that is subject to licensing under this part. This part does not apply to any activity licensed under another part of this chapter. This part also gives notice to all persons who knowingly provide, to any licensee, applicant, contractor, or subcontractor, components, equipment, materials, or other goods or services, that relate to a licensee's or applicant's activities subject to this part, that they may be individually subject to NRC enforcement action for violation of § 63.11.

§ 63.2 Definitions.

As used in this part:

Affected Indian Tribe means any Indian Tribe within whose reservation boundaries a repository for high-level radioactive waste or spent fuel is proposed to be located; or whose Federally defined possessory or usage rights to other lands outside of the reservation's boundaries arising out of Congressionally ratified treaties or other Federal law may be substantially and adversely affected by the locating of such a facility; *Provided*, that the Secretary of the Interior finds, on the petition of the appropriate governmental officials of the Tribe, that such effects are both substantial and adverse to the Tribe.

Annual dose means the total effective dose equivalent (TEDE as defined at § 20.1003) received in a single year by the average member of the critical group only as a result of radioactive materials released from the geologic repository.

Barrier means any material or structure that prevents or substantially delays movement of water or radioactive materials.

Commencement of construction means clearing of land, surface or subsurface excavation, or other substantial action that would adversely affect the environment of a site. It does not include changes desirable for the temporary use of the land for public recreational uses, site characterization activities, other preconstruction monitoring and investigation necessary to establish background information related to the suitability of the Yucca Mountain site or to the protection of environmental values, or procurement or manufacture of components of the geologic repository operations area.

Commission means the Nuclear Regulatory Commission or its duly authorized representatives.

Containment means the confinement of radioactive waste within a designated boundary.

Critical group means the hypothetical group of individuals reasonably expected to receive the greatest exposure to radioactive materials released from the geologic repository.

Design bases means that information that identifies the specific functions to be performed by a structure, system, or component of a facility and the specific values or ranges of values chosen for controlling parameters as reference bounds for design. These values may be restraints derived from generally accepted ''state-of-the-art'' practices for achieving functional goals or requirements derived from analysis (based on calculation or experiments) of the effects of a postulated event under which a structure, system, or component must meet its functional goals. The values for controlling parameters for external events include:

(1) Estimates of severe natural events to be used for deriving design bases that will be based on consideration of historical data on the associated parameters, physical data, or analysis of upper limits of the physical processes involved; and

(2) Estimates of severe external human-induced events, to be used for deriving design bases, that will be based on analysis of human activity in the region, taking into account the site characteristics and the risks associated with the event.

Design basis events means:

(1) Those natural and human-induced events that are expected to occur one or more times before permanent closure of the geologic repository operations area (referred to as Category 1 events); and

(2) Other natural and man-induced events that have at least one chance in 10,000 of occurring before permanent closure of the geologic repository (referred to as Category 2 events).

Director means the Director of the Nuclear Regulatory Commission's Office of Nuclear Material Safety and Safeguards.

Disposal means the emplacement of radioactive wastes in a geologic repository with the intent of leaving it there permanently.

DOE means the U.S. Department of Energy or its duly authorized representatives.

Engineered barrier system means the waste packages and the underground facility.

Expected annual dose means the expected value of the annual dose

considering the probability of the occurrence of the events and the uncertainty, or variability, in parameter values used to describe the behavior of the geologic repository.

Geologic repository means a system that is intended to be used for, or may be used for, the disposal of radioactive wastes in excavated geologic media. A geologic repository includes: The engineered barrier system, and the portion of the geologic setting that provides isolation of the radioactive waste.

Geologic repository operations area means a high-level radioactive waste facility that is part of a geologic repository, including both surface and subsurface areas, where waste handling activities are conducted.

Geologic setting means the geologic, hydrologic, and geochemical systems of the region in which a geologic repository is or may be located.

Groundwater means all liquid water that occurs below the land surface.

High-level radioactive waste or *HLW* means:

(1) Irradiated reactor fuel;

(2) Liquid wastes resulting from the operation of the first-cycle solvent extraction system, or equivalent, and the concentrated wastes from subsequent extraction cycles, or equivalent, in a facility for reprocessing irradiated reactor fuel; and

(3) Solids into which such liquid wastes have been converted.

HLW facility means a facility subject to the licensing and related regulatory authority of the Commission pursuant to Sections 202(3) and 202(4) of the Energy Reorganization Act of 1974 (88 Stat. 1244) [1]

Host rock means the geologic medium in which the waste is emplaced.

Important to safety, with reference to structures, systems, and components, means those engineered features of the geologic repository operations area whose function is:

(1) To provide reasonable assurance that high-level waste can be received, handled, packaged, stored, emplaced, and retrieved without exceeding the requirements of § 63.111(b)(1) for Category 1 design basis events; or

(2) To prevent or mitigate Category 2 design basis events that could result in doses equal to or greater than the values specified in § 63.111(b)(2) to any individual located on or beyond any point on the boundary of the site.

Important to waste isolation, with reference to design of the engineered barrier system and characterization of natural barriers, means those engineered and natural barriers whose function is to provide reasonable assurance that high-level waste can be disposed without exceeding the requirements of § 63.113(b).

Integrated safety analysis means an analysis to identify hazards and their potential for initiating event sequences, the potential event sequences and their consequences, and the site, structures, systems, components, equipment, and activities of personnel, that are relied on for safety. As used here, integrated means joint consideration of safety measures that otherwise might conflict, including, but not limited to, integration of fire protection, radiation safety, criticality safety, and chemical safety measures.

Isolation means inhibiting the transport of radioactive material to the location of the critical group so that radiation exposures will not exceed the requirements of § 63.113(b).

Performance assessment means a probabilistic analysis that:

(1) Identifies the features, events and processes that might affect the performance of the geologic repository; and

(2) Examines the effects of such features, events, and processes on the performance of the geologic repository; and

(3) Estimates the expected annual dose to the average member of the critical group as a result of releases from the geologic repository.

Performance confirmation means the program of tests, experiments, and analyses that is conducted to evaluate the accuracy and adequacy of the information used to determine with reasonable assurance that the performance objective at § 63.113(b) will be met.

Permanent closure means final backfilling of the underground facility, if appropriate, and the sealing of shafts, ramps, and boreholes.

Public Document Room means the place at 2120 L Street NW., Washington, DC, at which records of the Commission will ordinarily be made available for public inspection and any other place, the location of which has been published in the **Federal Register**, at which public records of the Commission pertaining to a geologic repository at the Yucca Mountain site are made available for public inspection.

Radioactive waste or waste means HLW and radioactive materials other than HLW that are received for emplacement in a geologic repository.

Reference biosphere means the description of the environment inhabited by the critical group. The reference biosphere comprises the set of specific biotic and abiotic characteristics of the environment, including, but not necessarily limited to, climate, topography, soils, flora, fauna, and human activities.

Restricted area means an area, access to which is limited by the licensee for the purpose of protecting individuals against undue risks from exposure to radiation and radioactive materials. Restricted area does not include areas used as residential quarters, but separate rooms in a residential building may be set aside as a restricted area.

Retrieval means the act of intentionally removing radioactive waste from the underground location at which the waste had been previously emplaced for disposal.

Saturated zone means that part of the earth's crust beneath the regional water table in which all voids, large and small, are ideally filled with water under pressure greater than atmospheric.

Site means that area surrounding the geologic repository operations area for which DOE exercises authority over its use in accordance with the provisions of this part.

Site characterization means the program of exploration and research, both in the laboratory and in the field, undertaken to establish the geologic conditions and the ranges of those parameters of the Yucca Mountain site, and the surrounding region to the extent necessary, relevant to the procedures under this part. Site characterization includes borings, surface excavations, excavation of exploratory shafts and/or ramps, limited subsurface lateral excavations and borings, and in situ testing at depth needed to determine the suitability of the site for a geologic repository.

Underground facility means the underground structure, backfill materials, if any, and openings that penetrate the underground structure (e.g., ramps, shafts, and boreholes, including their seals).

Unrestricted area means an area, access to which is neither limited nor controlled by the licensee.

Unsaturated zone means the zone between the land surface and the regional water table. Generally, fluid pressure in this zone is less than atmospheric pressure, and some of the voids may contain air or other gases at atmospheric pressure. Beneath flooded

[1] These are DOE "facilities used primarily for the receipt and storage of high-level radioactive wastes resulting from activities licensed under such Act [the Atomic Energy Act]" and "Retrievable Surface Storage Facilities and other facilities authorized for the express purpose of subsequent long-term storage of high-level radioactive wastes generated by [DOE], which are not used for, or are part of, research and development activities."

areas or in perched water bodies, the fluid pressure locally may be greater than atmospheric.

Waste form means the radioactive waste materials and any encapsulating or stabilizing matrix.

Waste package means the waste form and any containers, shielding, packing, and other absorbent materials immediately surrounding an individual waste container.

Water table means that surface in a groundwater body, separating the unsaturated zone from the saturated zone, at which the water pressure is atmospheric.

§ 63.3 License required.

(a) DOE shall not receive nor possess source, special nuclear, or byproduct material at a geologic repository operations area at the Yucca Mountain site except as authorized by a license issued by the Commission pursuant to this part.

(b) DOE shall not begin construction of a geologic repository operations area at the Yucca Mountain site unless it has filed an application with the Commission and has obtained construction authorization as provided in this part. Failure to comply with this requirement shall be grounds for denial of a license.

§ 63.4 Communications and records.

(a) Except where otherwise specified, all communications and reports concerning the regulations in this part and applications filed under them should be addressed to the Director of Nuclear Material Safety and Safeguards, U.S. Nuclear Regulatory Commission, Washington, DC 20555–0001. Communications, reports, and applications may be delivered in person at the Commission's offices at 2120 L Street NW, Washington DC, or 11555 Rockville Pike, Rockville, MD.

(b) Each record required by this part must be legible throughout the retention period specified by each Commission regulation. The record may be the original or a reproduced copy or a microform provided that the copy or microform is authenticated by authorized personnel and that the microform is capable of producing a clear copy throughout the required retention period. The record may also be stored in electronic media with the capability for producing legible, accurate, and complete records during the required retention period. Records such as letters, drawings, and specifications must include all pertinent information such as stamps, initials, and signatures. The licensee shall maintain adequate safeguards against tampering with and loss of records.

§ 63.5 Interpretations.

Except as specifically authorized by the Commission in writing, no interpretation of the meaning of the regulations in this part by any officer or employee of the Commission other than a written interpretation by the General Counsel will be considered binding on the Commission.

§ 63.6 Exemptions.

The Commission may, upon application by DOE, any interested person, or upon its own initiative, grant such exemptions from the requirements of the regulations in this part as it determines are authorized by law, will not endanger life nor property nor the common defense and security, and are otherwise in the public interest.

§ 63.7 License not required for certain preliminary activities.

The requirement for a license set forth in § 63.3(a) is not applicable to the extent that DOE receives and possesses source, special nuclear, and byproduct material at a geologic repository at the Yucca Mountain site:

(a) For purposes of site characterization; or

(b) For use, during site characterization or construction, as components of radiographic, radiation monitoring, or similar equipment or instrumentation.

§ 63.8 Information collection requirements: OMB approval.

(a) The U.S. Nuclear Regulatory Commission has submitted the information collection requirements of general applicability contained in this part to the Office of Management and Budget for approval, as required by the Paperwork Reduction Act (44 U.S.C. 3501, *et seq.*). The Office of Management and Budget has approved the information collection requirements contained in this part under control number 3150–XXXX.

(b) The approved information collection requirements contained in this part appear in §§ 63.62, 63.63, and 63.65.

§ 63.9 Employee protection.

(a) Discrimination by a Commission licensee, an applicant for a Commission license, or a contractor or subcontractor of a Commission licensee or applicant, against an employee, for engaging in certain protected activities, is prohibited. Discrimination includes discharge and other actions that relate to compensation, terms, conditions, or privileges of employment. The protected activities are established in Section 211 of the Energy Reorganization Act of 1974, as amended, and in general are related to the administration or enforcement of a requirement imposed under the Atomic Energy Act or the Energy Reorganization Act.

(1) The protected activities include but are not limited to:

(i) Providing the Commission, or his or her employer, information about alleged violations of either of the statutes named in paragraph (a) of this section or possible violations of requirements imposed under either of those aforementioned statutes;

(ii) Refusing to engage in any practice made unlawful under either of the statutes named in paragraph (a) of this section, or under these requirements, if the employee has identified the alleged illegality to the employer;

(iii) Requesting the Commission to institute action against his or her employer for the administration or enforcement of these requirements;

(iv) Testifying in any Commission proceeding, or before Congress, or at any Federal or State proceeding regarding any provision (or proposed provision) of either of the statutes named in paragraph (a) of this section;

(v) Assisting or participating in, or is about to assist or participate in, these activities.

(2) These activities are protected even if no formal proceeding is actually initiated as a result of the employee assistance or participation.

(3) This section has no application to any employee alleging discrimination prohibited by this section who, acting without direction from his or her employer (or the employer's agent), deliberately causes a violation of any requirement of the Energy Reorganization Act of 1974, as amended, or the Atomic Energy Act of 1954, as amended.

(b) Any employee who believes that he or she has been discharged or otherwise discriminated against by any person for engaging in protected activities specified in paragraph (a)(1) of this section may seek a remedy for the discharge or discrimination through an administrative proceeding in the Department of Labor. The administrative proceeding must be initiated within 180 days after an alleged violation occurs. The employee may do this by filing a complaint alleging the violation with the Department of Labor, Employment Standards Administration, Wage and Hour Division. The Department of Labor may order reinstatement, back pay, and compensatory damages.

(c) A violation of paragraph (a), (e), or (f) of this section by a Commission licensee, an applicant for a Commission license, or a contractor or subcontractor of a Commission licensee or applicant may be grounds for—

(1) Denial, revocation, or suspension of the license.

(2) Imposition of a civil penalty on the licensee or applicant.

(3) Other enforcement action.

(d) Actions taken by an employer, or others, that adversely affect an employee, may be predicated on nondiscriminatory grounds. The prohibition applies when the adverse action occurs because the employee has engaged in protected activities. An employee's engagement in protected activities does not automatically render him or her immune from discharge or discipline for legitimate reasons or from adverse action dictated by nonprohibited considerations.

(e)(1) Each licensee and each applicant for a license shall prominently post the revision of NRC Form 3, ''Notice to Employees,'' referenced in § 19.11(c) of this chapter. This form must be posted at locations sufficient to permit employees protected by this section to observe a copy on the way to or from their place of work. Premises must be posted not later than 30 days after an application is docketed and remain posted while the application is pending before the Commission, during the term of the license, and for 30 days following license termination.

(2) Copies of NRC Form 3 may be obtained by writing to the Regional Administrator of the appropriate U.S. Nuclear Regulatory Commission Regional Office listed in Appendix D to Part 20 of this chapter or by accessing the NRC Web Site www.nrc.gov/NRC/FORMS/forms3.html.

(f) No agreement affecting the compensation, terms, conditions, or privileges of employment, including an agreement to settle a complaint filed by an employee with the Department of Labor pursuant to Section 211 of the Energy Reorganization Act of 1974, as amended, may contain any provision that would prohibit, restrict, or otherwise discourage an employee from participating in protected activity as defined in paragraph (a)(1) of this section including, but not limited to, providing information to NRC or to his or her employer on potential violations or other matters within NRC's regulatory responsibilities.

§ 63.10 Completeness and accuracy of information.

(a) Information provided to the Commission by an applicant for a license or by a licensee, or information required by statute, or required by the Commission's regulations, orders, or license conditions to be maintained by the applicant or the licensee shall be complete and accurate in all material respects.

(b) The applicant or licensee shall notify the Commission of information identified by the applicant or licensee as having, for the regulated activity, a significant implication for public health and safety or common defense and security. An applicant or licensee violates this paragraph only if the applicant or licensee fails to notify the Commission of information that the applicant or licensee has identified as having a significant implication for public health and safety or common defense and security. Notification shall be provided to the Administrator of the appropriate Regional Office within 2 working days of identifying the information. This requirement is not applicable to information that is already required to be provided to the Commission by other reporting or updating requirements.

§ 63.11 Deliberate misconduct.

(a) Any licensee, applicant for a license, employee of a licensee or applicant; or any contractor (including a supplier or consultant), subcontractor, employee of a contractor or subcontractor of any licensee or applicant for a license, who knowingly provides to any licensee, applicant, contractor, or subcontractor, any components, equipment, materials, or other goods or services that relate to a licensee's or applicant's activities in this part, may not:

(1) Engage in deliberate misconduct that causes or would have caused, if not detected, a licensee or applicant to be in violation of any rule, regulation, or order; or any term, condition, or limitation of any license issued by the Commission; or

(2) Deliberately submit to NRC, a licensee, an applicant, or a licensee's or applicant's contractor or subcontractor, information that the person submitting the information knows to be incomplete or inaccurate in some respect material to NRC.

(b) A person who violates paragraph (a)(1) or (a)(2) of this section may be subject to enforcement action in accordance with the procedures in 10 CFR Part 2, Subpart B.

(c) For purposes of paragraph (a)(1) of this section, deliberate misconduct by a person means an intentional act or omission that the person knows:

(1) Would cause a licensee or applicant to be in violation of any rule, regulation, or order; or any term, condition, or limitation, of any license issued by the Commission; or

(2) Constitutes a violation of a requirement, procedure, instruction, contract, purchase order, or policy of a licensee, applicant, contractor, or subcontractor.

Subpart B—Licenses

PREAPPLICATION REVIEW

§ 63.15 Site characterization.

(a) Before submittal of an application for a license to be issued under this part, DOE shall conduct a program of site characterization with respect to the Yucca Mountain site.

(b) Investigations to obtain the required information shall be conducted in such a manner as to limit, to the extent practical, adverse effects on the long-term performance of the geologic repository at Yucca Mountain.

§ 63.16 Review of site characterization activities.[2]

(a) If DOE's planned site characterization activities include onsite testing with radioactive material, including radioactive tracers, the Commission shall determine whether the proposed use of such radioactive material is necessary to provide data for the preparation of the environmental reports required by law and for an application to be submitted under § 63.22.

(b) During the conduct of site characterization activities at the Yucca Mountain site, DOE shall report not less than once every 6 months to the Commission on the nature and extent of such activities and the information that has been developed, and on the progress of waste form and waste package research and development. The semiannual reports shall include the results of site characterization studies, the identification of new issues, plans for additional studies to resolve new issues, elimination of planned studies no longer necessary, identification of decision points reached, and modifications to schedules, where appropriate. DOE shall also report its progress in developing the design of a geologic repository operations area appropriate for the area being characterized, noting when key design parameters or features that depend on the results of site characterization will be established. Other topics related to

[2] In addition to the review of site characterization activities specified in this section, the Commission contemplates an ongoing review of other information on site investigation and site characterization, to allow early identification of potential licensing issues for timely resolution.

site characterization shall also be covered if requested by the Director.

(c) During the conduct of site characterization activities at the Yucca Mountain site, NRC staff shall be permitted to visit and inspect the locations at which such activities are carried out and to observe excavations, borings, and in-situ tests, as they are done.

(d) The Director may comment at any time in writing to DOE, expressing current views on any aspect of site characterization or performance assessment at the Yucca Mountain site. In particular, such comments shall be made whenever the Director determines that there are substantial grounds for making recommendations or stating objections to DOE's site characterization program. The Director shall invite public comment on any comments that the Director makes to DOE, on review of the DOE semiannual reports, or on any other comments that the Director makes to DOE on site characterization and performance assessment.

(e) The Director shall transmit copies of all comments to DOE made by the Director under this section to the Governor and legislature of the State of Nevada and to the governing body of any affected Indian Tribe.

(f) All correspondence between DOE and NRC, under this section, including the reports described in paragraph (b) of this section, shall be placed in the Public Document Room.

(g) The activities described in paragraphs (a) through (f) of this section constitute informal conference between a prospective applicant and the NRC staff, as described in § 2.101(a)(1) of this chapter, and are not part of a proceeding under the Atomic Energy Act of 1954, as amended. Accordingly, the issuance of the Director's comments made under this section does not constitute a commitment to issue any authorization or license, or in any way affect the authority of the Commission, Atomic Safety and Licensing Boards, other presiding officers, or the Director, in any such proceeding.

LICENSE APPLICATION

§ 63.21 Content of application.

(a) An application shall consist of general information and a Safety Analysis Report. An environmental impact statement shall be prepared in accordance with the Nuclear Waste Policy Act of 1982, as amended, and shall accompany the application. Any Restricted Data or National Security Information shall be separated from unclassified information.

(b) The general information shall include:

(1) A general description of the proposed geologic repository at the Yucca Mountain site, identifying the location of the geologic repository operations area, the general character of the proposed activities, and the basis for the exercise of the Commission's licensing authority.

(2) Proposed schedules for construction, receipt of waste, and emplacement of wastes at the proposed geologic repository operations area.

(3) A detailed plan to provide physical protection of high-level radioactive waste in accordance with § 73.51 of this chapter. This plan must include the design for physical protection, the licensee's safeguards contingency plan, and security organization personnel training and qualification plan. The plan must list tests, inspections, audits, and other means to be used to demonstrate compliance with such requirements.

(4) A description of the material control and accounting program to meet the requirements of § 63.78.

(5) A description of work conducted to characterize the Yucca Mountain site.

(c) The Safety Analysis Report shall include:

(1) A description of the Yucca Mountain site, with appropriate attention to those features, events, and processes of the site that might affect design of the geologic repository operations area and performance of the geologic repository. The description of the site shall include information regarding features, events, and processes outside of the site to the extent the information is relevant and material to safety or performance of the geologic repository. The information referred to in this paragraph shall include:

(i) The location of the geologic repository operations area with respect to the boundary of the site;

(ii) Information regarding the geology, hydrology, and geochemistry of the site, including geomechanical properties and conditions of the host rock;

(iii) Information regarding surface water hydrology, climatology, and meteorology of the site;

(iv) Information regarding the location of the critical group, and regarding local human behaviors and characteristics, as needed to support selection of conceptual models and parameters used for the reference biosphere and critical group.

(2) An integrated safety analysis of the geologic repository operations area, for the period before permanent closure, to ensure compliance with § 63.111(a), as required by § 63.111(c). For the purposes of this analysis, it shall be assumed that operations at the geologic repository operations area will be carried out at the maximum capacity and rate of receipt of radioactive waste stated in the application.

(3) Information relative to materials of construction of the geologic repository operations area (including geologic media, general arrangement, and approximate dimensions), and codes and standards that DOE proposes to apply to the design and construction of the geologic repository operations area.

(4) A description and discussion of the design of the engineered barrier system including:

(i) The principal design criteria and their relationships to the postclosure performance objective specified at § 63.113(b); and

(ii) The design bases and their relation to the principal design criteria.

(5) An assessment to determine the degree to which those features, events, and processes of the site that are expected to materially affect compliance with § 63.113(b)—whether beneficial or potentially adverse to performance of the geologic repository—have been characterized, and the extent to which they affect waste isolation. Investigations shall extend from the surface to a depth sufficient to determine principal pathways for radionuclide migration from the underground facility. Specific features, events, and processes of the geologic setting shall be investigated outside of the site if they affect performance of the geologic repository.

(6) An assessment of the anticipated response of the geomechanical, hydrogeologic, and geochemical systems to the range of design thermal loadings under consideration, given the pattern of fractures and other discontinuities and the heat transfer properties of the rock mass and groundwater.

(7) An assessment of the performance of the proposed geologic repository for the period after permanent closure, as required by § 63.113(c). The assessment shall also include a comparative evaluation of alternatives to the major design features that are important to waste isolation, with particular attention to the alternatives that would provide longer containment and isolation of radioactive materials.

(8) An assessment of the ability of the proposed geologic repository to limit radiological exposures in the event of limited human intrusion into the engineered barrier system as required by § 63.113(d).

(9) An explanation of measures used to support the models used to perform the assessments required in paragraphs (c)(5) through (c)(8) of this section. Analyses and models that will be used

to assess performance of the geologic repository shall be supported by using an appropriate combination of such methods as field tests, in-situ tests, laboratory tests that are representative of field conditions, monitoring data, and natural analog studies.

(10) An explanation of how expert elicitation was used in the assessments required in paragraphs (c)(5) through (c)(8) of this section.

(11) A description of the quality assurance program to be applied to the structures, systems, and components important to safety and to the engineered and natural barriers important to waste isolation.

(12) A description of the kind, amount, and specifications of the radioactive material proposed to be received and possessed at the geologic repository operations area at the Yucca Mountain site.

(13) An identification and justification for the selection of those variables, conditions, or other items that are determined to be probable subjects of license specifications. Special attention shall be given to those items that may significantly influence the final design.

(14) A description of the program for control and monitoring of radioactive effluents and occupational radiation exposures to maintain such effluents and exposures in accordance with the requirements of § 63.111.

(15) A description of the controls that DOE will apply to restrict access and to regulate land use at the Yucca Mountain site and adjacent areas, including a conceptual design of monuments that would be used to identify the site after permanent closure.

(16) A description of the plan for responding to, and recovering from, radiological emergencies that may occur at any time before permanent closure and decontamination or dismantlement of surface facilities, as required by § 63.161.

(17) A description of the program to be used to maintain the records described in §§ 63.71 and 63.72.

(18) A description of design considerations that are intended to facilitate permanent closure and decontamination or dismantlement of surface facilities.

(19) A description of plans for retrieval and alternate storage of the radioactive wastes, should retrieval be necessary.

(20) A description of the performance confirmation program that meets the requirements of Subpart F.

(21) An identification of those structures, systems, and components of the geologic repository, both surface and subsurface, which require research and development to confirm the adequacy of design. For structures, systems, and components important to safety and for the engineered and natural barriers important to waste isolation, DOE shall provide a detailed description of the programs designed to resolve safety questions, including a schedule indicating when these questions would be resolved.

(22) The following information concerning activities at the geologic repository operations area:

(i) The organizational structure of DOE as it pertains to construction and operation of the geologic repository operations area, including a description of any delegations of authority and assignments of responsibilities, whether in the form of regulations, administrative directives, contract provisions, or otherwise.

(ii) Identification of key positions that are assigned responsibility for safety at and operation of the geologic repository operations area.

(iii) Personnel qualifications and training requirements.

(iv) Plans for startup activities and startup testing.

(v) Plans for conduct of normal activities, including maintenance, surveillance, and periodic testing of structures, systems, and components of the geologic repository operations area.

(vi) Plans for permanent closure and plans for the decontamination or dismantlement of surface facilities.

(vii) Plans for any uses of the geologic repository operations area at the Yucca Mountain site for purposes other than disposal of radioactive wastes, with an analysis of the effects, if any, that such uses may have on the operation of the structures, systems, and components important to safety and the engineered and natural barriers important to waste isolation.

§ 63.22 Filing and distribution of application.

(a) An application for a license to receive and possess source, special nuclear, or byproduct material at a geologic repository operations area, at the Yucca Mountain site, that has been characterized, and any amendments thereto, and an accompanying environmental impact statement and any supplements, shall be signed by the Secretary of Energy or the Secretary's authorized representative and shall be filed in triplicate with the Director.

(b) Each portion of such application and any amendments, and each environmental impact statement and any supplements, shall be accompanied by 30 additional copies. Another 120 copies shall be retained by DOE for distribution in accordance with written instructions from the Director or the Director's designee.

(c) DOE shall, on notification of the appointment of an Atomic Safety and Licensing Board, update the application, eliminating all superseded information, and supplement the environmental impact statement if necessary, and serve the updated application and environmental impact statement (as it may have been supplemented) as directed by the Board. Any subsequent amendments to the application or supplements to the environmental impact statement shall be served in the same manner.

(d) At the time of filing of an application and any amendments thereto, copies shall be made available in appropriate locations near the proposed geologic repository operations area at the Yucca Mountain site, for inspection by the public, and updated as amendments to the application are made. The environmental impact statement and any supplements thereto shall be made available in the same manner. An updated copy of the application, and the environmental impact statement and supplements, shall be produced at any public hearing held by the Commission on the application, for use by any party to the proceeding.

(e) DOE shall certify that the updated copies of the application, and the environmental impact statement as it may have been supplemented, as referred to in paragraphs (c) and (d) of this section, contain the current contents of such documents submitted in accordance with the requirements of this part.

§ 63.23 Elimination of repetition.

In its application or environmental impact statement, DOE may incorporate, by reference, information contained in previous applications, statements, or reports filed with the Commission, *provided*, that such references are clear and specific and that copies of the information so incorporated are made available to the public locations near the site of the proposed geologic repository, as provided pursuant to § 63.22(d).

§ 63.24 Updating of application and environmental impact statement.

(a) The application shall be as complete as possible in the light of information that is reasonably available at the time of docketing.

(b) DOE shall update its application in a timely manner so as to permit the Commission to review, before issuance of a license:

(1) Additional geologic, geophysical, geochemical, hydrologic, meteorologic, materials, design, and other data obtained during construction.

(2) Conformance of construction of structures, systems, and components with the design.

(3) Results of research programs carried out to confirm the adequacy of designs, conceptual models, parameter values, and estimates of performance of the geologic repository.

(4) Other information bearing on the Commission's issuance of a license that was not available at the time a construction authorization was issued.

(c) DOE shall supplement its environmental impact statement in a timely manner so as to take into account the environmental impacts of any substantial changes in its proposed actions or any significant new circumstances or information relevant to environmental concerns bearing on the proposed action or its impacts.

CONSTRUCTION AUTHORIZATION

§ 63.31 Construction authorization.

On review and consideration of an application and environmental impact statement submitted under this part, the Commission may authorize construction of a geologic repository operations area at the Yucca Mountain site if it determines:

(a) *Safety*. That there is reasonable assurance that the types and amounts of radioactive materials described in the application can be received, possessed, and disposed of in a geologic repository operations area of the design proposed without unreasonable risk to the health and safety of the public. In arriving at this determination, the Commission shall consider whether:

(1) DOE has described the proposed geologic repository as specified at § 63.21.

(2) The site and design comply with the performance objectives and requirements contained in Subpart E of this part.

(3) DOE's quality assurance program complies with the requirements of Subpart G of this part.

(4) DOE's personnel training program complies with the criteria contained in Subpart H of this part.

(5) DOE's emergency plan complies with the criteria contained in Subpart I of this part.

(6) DOE's proposed operating procedures to protect health and to minimize danger to life or property are adequate.

(b) *Common defense and security*. That there is reasonable assurance that the activities proposed in the application will not be inimical to the common defense and security.

(c) *Environmental*. That, after weighing the environmental, economic, technical, and other benefits against environmental costs, and considering available alternatives, the action called for is issuance of the construction authorization, with any appropriate conditions to protect environmental values.

§ 63.32 Conditions of construction authorization.

(a) A construction authorization for a geologic repository operations area at the Yucca Mountain site shall include such conditions as the Commission finds to be necessary to protect the health and safety of the public, the common defense and security, or environmental values.

(b) The Commission will incorporate, in the construction authorization, provisions requiring DOE to furnish periodic or special reports regarding:

(1) Progress of construction;

(2) Any data about the site, obtained during construction, that are not within the predicted limits on which the facility design was based;

(3) Any deficiencies, in design and construction, that, if uncorrected, could adversely affect safety at any future time; and

(4) Results of research and development programs being conducted to resolve safety questions.

(c) The construction authorization for a geologic repository operations area at the Yucca Mountain site will include restrictions on subsequent changes to the features of the geologic repository and the procedures authorized. The restrictions that may be imposed under this paragraph can include measures to prevent adverse effects on the geologic setting as well as measures related to the design and construction of the geologic repository operations area. These restrictions will fall into three categories of descending importance to public health and safety, as follows:

(1) Those features and procedures that may not be changed without:

(i) 60 days prior notice to the Commission;

(ii) 30 days notice of opportunity for a prior hearing; and

(iii) Prior Commission approval;

(2) Those features and procedures that may not be changed without:

(i) 60 days prior notice to the Commission; and

(ii) Prior Commission approval; and

(3) Those features and procedures that may not be changed without 60 days notice to the Commission. Features and procedures falling in this paragraph section may not be changed without prior Commission approval if the Commission, after having received the required notice, so orders.

(d) A construction authorization shall be subject to the limitation that a license to receive and possess source, special nuclear, or byproduct material at the Yucca Mountain site geologic repository operations area shall not be issued by the Commission until;

(1) DOE has updated its application, as specified in § 63.24; and

(2) The Commission has made the findings stated in § 63.41.

§ 63.33 Amendment of construction authorization.

(a) An application for amendment of a construction authorization shall be filed with the Commission, fully describing any changes desired and following as far as applicable the contents prescribed in § 63.21.

(b) In determining whether an amendment of a construction authorization will be approved, the Commission will be guided by the considerations that govern the issuance of the initial construction authorization, to the extent applicable.

LICENSE ISSUANCE AND AMENDMENT

§ 63.41 Standards for issuance of a license.

A license to receive and possess source, special nuclear, or byproduct material at a geologic repository operations area at the Yucca Mountain site may be issued by the Commission, on finding that:

(a) Construction of the geologic repository operations area has been substantially completed in conformity with the application as amended, the provisions of the Atomic Energy Act, and the rules and regulations of the Commission. Construction may be deemed to be substantially complete for the purposes of this paragraph if the construction of:

(1) Surface and interconnecting structures, systems, and components; and

(2) Any underground storage space required for initial operation, are substantially complete.

(b) The activities to be conducted at the geologic repository operations area will be in conformity with the application as amended, the provisions of the Atomic Energy Act and the Energy Reorganization Act, and the rules and regulations of the Commission.

(c) The issuance of the license will not be inimical to the common defense and security and will not constitute an

unreasonable risk to the health and safety of the public.

(d) Adequate protective measures can and will be taken in the event of a radiological emergency at any time before permanent closure and decontamination or dismantlement of surface facilities.

(e) All applicable requirements of Part 51 of this chapter have been satisfied.

§ 63.42 Conditions of license.

(a) A license issued pursuant to this part shall include such conditions, including license specifications, as the Commission finds to be necessary to protect the health and safety of the public, the common defense and security, and environmental values.

(b) Whether stated therein or not, the following shall be deemed conditions in every license issued:

(1) The license shall be subject to revocation, suspension, modification, or amendment for cause, as provided by the Atomic Energy Act and the Commission's regulations.

(2) DOE shall, at any time while the license is in effect, on written request of the Commission, submit written statements to enable the Commission to determine whether or not the license should be modified, suspended, or revoked.

(3) The license shall be subject to the provisions of the Atomic Energy Act now or hereafter in effect and to all rules, regulations, and orders of the Commission. The terms and conditions of the license shall be subject to amendment, revision, or modification, by reason of amendments to or by reason of rules, regulations, and orders issued in accordance with the terms of the Atomic Energy Act.

(c) Each license shall be deemed to contain the provisions set forth in Section 183 b-d, inclusive, of the Atomic Energy Act, whether or not these provisions are expressly set forth in the license.

(d) A license issued under this part shall be deemed to contain the provisions set forth in Section 114(d) of the Nuclear Waste Policy Act, prohibiting emplacement of a quantity of spent fuel containing in excess of 70,000 metric tons of heavy metal or a quantity of solidified high-level radioactive waste resulting from the reprocessing of such a quantity of spent fuel, until such time as a second repository is in operation, whether or not these provisions are expressly set forth in the license.

§ 63.43 License specification.

(a) A license issued under this part shall include license conditions derived from the analyses and evaluations included in the application, including amendments made before a license is issued, together with such additional conditions as the Commission finds appropriate.

(b) License conditions shall include items in the following categories:

(1) Restrictions as to the physical and chemical form and radioisotopic content of radioactive waste.

(2) Restrictions as to size, shape, and materials and methods of construction of radioactive waste packaging.

(3) Restrictions as to the amount of waste permitted per unit volume of storage space, considering the physical characteristics of both the waste and the host rock.

(4) Requirements relating to test, calibration, or inspection, to assure that the foregoing restrictions are observed.

(5) Controls to be applied to restrict access and to avoid disturbance to the site and to areas outside the site where conditions may affect compliance with §§ 63.111 and 63.113.

(6) Administrative controls, which are the provisions relating to organization and management, procedures, recordkeeping, review and audit, and reporting necessary to assure that activities at the facility are conducted in a safe manner and in conformity with the other license specifications.

§ 63.44 Changes, tests, and experiments.

(a)(1) Following authorization to receive and possess source, special nuclear, or byproduct material at a geologic repository operations area at the Yucca Mountain site, DOE may:

(i) Make changes in the geologic repository operations area as described in the application;

(ii) Make changes in the procedures as described in the application; and

(iii) Conduct tests or experiments not described in the application, without prior Commission approval, provided the change, test, or experiment involves neither a change in the license conditions incorporated in the license nor an unreviewed safety question.

(2) A proposed change, test, or experiment shall be deemed to involve an unreviewed safety question if:

(i) The likelihood of occurrence or the consequences of an accident or malfunction of equipment important to safety previously evaluated in the application is increased;

(ii) The possibility of an accident or malfunction of a different type than any previously evaluated in the application is created; or

(iii) The margin of safety, as defined in the basis for any license condition, is reduced.

(b) DOE shall maintain records of changes in the geologic repository operations area at the Yucca Mountain site and of changes in procedures made pursuant to this section, to the extent that such changes constitute changes in the geologic repository operations area or procedures as described in the application. Records of tests and experiments carried out pursuant to paragraph (a) of this section shall also be maintained. These records shall include a written safety evaluation that provides the basis for the determination that the change, test, or experiment does not involve an unreviewed safety question. DOE shall prepare annually, or at such shorter intervals as may be specified in the license, a report containing a brief description of such changes, tests, and experiments, including a summary of the safety evaluation of each. DOE shall furnish the report to the appropriate NRC Regional Office shown in Appendix D of Part 20 of this chapter, with a copy to the Director, Office of Nuclear Material Safety and Safeguards, U.S. Nuclear Regulatory Commission, Washington, DC 20555. Any report submitted pursuant to this paragraph shall be made a part of the public record of the licensing proceedings.

§ 63.45 Amendment of license.

(a) An application for amendment of a license may be filed with the Commission fully describing the changes desired and following as far as applicable the format prescribed for license applications.

(b) In determining whether an amendment of a license will be approved, the Commission will be guided by the considerations that govern the issuance of the initial license, to the extent applicable.

§ 63.46 Particular activities requiring license amendment.

(a) Unless expressly authorized in the license, an amendment of the license shall be required with respect to any of the following activities:

(1) Any action that would make emplaced high-level radioactive waste irretrievable or which would substantially increase the difficulty of retrieving such emplaced waste;

(2) Dismantling of structures;

(3) Removal or reduction of controls applied to restrict access to or avoid disturbance of the site and to areas outside the site where conditions may affect compliance with §§ 63.111 and 63.113;

(4) Destruction or disposal of records required to be maintained under the provisions of this part;

(5) Any substantial change to the design or operating procedures from that specified in the license, except as authorized in § 63.44;

(6) Permanent closure; and

(7) Any other activity involving an unreviewed safety question.

(b) An application for such an amendment shall be filed, and shall be reviewed, in accordance with the provisions of § 63.45.

PERMANENT CLOSURE

§ 63.51 License amendment for permanent closure.

(a) DOE shall submit an application to amend the license before permanent closure of a geologic repository at the Yucca Mountain site. The submission shall consist of an update of the license application submitted under §§ 63.21 and 63.22, including:

(1) An update of the assessment of the performance of the geologic repository for the period after permanent closure.

(2) A description of the program for post-permanent closure monitoring of the geologic repository.

(3) A detailed description of the measures to be employed—such as land use controls, construction of monuments, and preservation of records—to regulate or prevent activities that could impair the long-term isolation of emplaced waste within the geologic repository and to assure that relevant information will be preserved for the use of future generations. As a minimum, such measures shall include:

(i) Identification of the site and geologic repository operations area by monuments that have been designed, fabricated, and emplaced to be as permanent as is practicable;

(ii) Placement of records in the archives and land record systems of local, State, and Federal government agencies, and archives elsewhere in the world, that would be likely to be consulted by potential human intruders—such records to identify the location of the geologic repository operations area, including the underground facility, boreholes, shafts and ramps, and the boundaries of the site, and the nature and hazard of the waste; and

(iii) A program for continued oversight, to prevent any activity at the site that poses an unreasonable risk of breaching the geologic repository's engineered barriers; or increasing the exposure of individual members of the public to radiation beyond allowable limits.

(4) Geologic, geophysical, geochemical, hydrologic, and other site data that are obtained during the operational period, pertinent to compliance with § 63.113.

(5) The results of tests, experiments, and any other analyses relating to backfill of excavated areas, shaft, borehole, or ramp sealing, waste interaction with the host rock, and any other tests, experiments, or analyses pertinent to compliance with § 63.113.

(6) Any substantial revision of plans for permanent closure.

(7) Other information bearing on permanent closure that was not available at the time a license was issued.

(b) If necessary, so as to take into account the environmental impact of any substantial changes in the permanent closure activities proposed to be carried out or any significant new information regarding the environmental impacts of such closure, DOE shall also supplement its environmental impact statement and submit such statement, as supplemented, with the application for license amendment.

§ 63.52 Termination of license.

(a) Following permanent closure and the decontamination or dismantlement of surface facilities at the Yucca Mountain site, DOE may apply for an amendment to terminate the license.

(b) Such application shall be filed and will be reviewed in accordance with the provisions of § 63.45 and this section.

(c) A license shall be terminated only when the Commission finds with respect to the geologic repository:

(1) That the final disposition of radioactive wastes has been made in conformance with DOE's plan, as amended and approved as part of the license.

(2) That the final state of the geologic repository operations area conforms to DOE's plans for permanent closure and DOE's plans for the decontamination or dismantlement of surface facilities, as amended and approved as part of the license.

(3) That the termination of the license is authorized by law, including Sections 57, 62, and 81 of the Atomic Energy Act, as amended.

Subpart C—Participation by State Government and Affected Indian Tribes

§ 63.61 Provision of information.

(a) The Director shall provide to the Governor and the Nevada State legislature, and to the governing body of any affected Indian Tribe, timely and complete information regarding determinations or plans made by the Commission with respect to the site characterization, siting, development, design, licensing, construction, operation, regulation, permanent closure, or decontamination and dismantlement of surface facilities, of the geologic repository operations area at the Yucca Mountain site.

(b) Notwithstanding paragraph (a) of this section, the Director is not required to distribute any document to any entity if, with respect to such document, that entity or its counsel is included on a service list prepared pursuant to Part 2 of this chapter.

(c) Copies of all communications by the Director under this section shall be placed in the Public Document Room, and copies thereof shall be furnished to DOE.

§ 63.62 Site review.

(a) The Director shall make NRC staff available to consult with representatives of the State of Nevada and affected Indian Tribes regarding the status of site characterization at the Yucca Mountain site.

(b) Requests for consultation shall be made in writing to the Director.

(c) Consultation under this section may include:

(1) Keeping the parties informed of the Director's views on the progress of site characterization.

(2) Review of applicable NRC regulations, licensing procedures, schedules, and opportunities for State and Tribe participation in the Commission's regulatory activities.

(3) Cooperation in development of proposals for State and Tribe participation in license reviews.

§ 63.63 Participation in license reviews.

(a) State and local governments and affected Indian Tribes may participate in license reviews as provided in Subpart G of Part 2 of this chapter. The State of Nevada and any affected Indian Tribe shall have an unquestionable legal right to participate as a party in such proceedings.

(b) In addition, a State or an affected Indian Tribe may submit to the Director a proposal to facilitate its participation in the review of the license application. The proposal may be submitted at any time and shall contain a description and schedule of how the State or affected Indian Tribe wishes to participate in the review, or what services or activities the State or affected Indian Tribe wishes NRC to carry out, and how the services or activities proposed to be carried out by NRC would contribute to such participation. The proposal may include educational or information services (seminars, public meetings) or other actions on the part of NRC, such as

establishing additional public document rooms or employment or exchange of State personnel under the Intergovernmental Personnel Act.

(c) The Director shall arrange for a meeting between the representatives of the State or affected Indian Tribe and the NRC staff, to discuss any proposal submitted under paragraph (b) of this section, with a view to identifying any modifications that may contribute to the effective participation by such State or Tribe.

(d) Subject to the availability of funds, the Director shall approve all or any part of a proposal, as it may be modified through the meeting described above, if it is determined that:

(1) The proposed activities are suitable in light of the type and magnitude of impacts that the State or affected Indian Tribe may bear;

(2) The proposed activities:

(i) Will enhance communications between NRC and the State or affected Indian Tribe;

(ii) Will make a productive and timely contribution to the review; and

(iii) Are authorized by law.

(e) The Director will advise the State or affected Indian Tribe whether its proposal has been accepted or denied, and if all or any part of proposal is denied, the Director shall state the reason for the denial.

(f) Proposals submitted under this section, and responses thereto, shall be made available at the Public Document Room.

§ 63.64 Notice to State.

If the Governor and legislature of the State of Nevada have jointly designated, on their behalf, a single person or entity to receive notice and information from the Commission under this part, the Commission will provide such notice and information to the jointly designated person or entity, instead of the Governor and legislature, separately.

§ 63.65 Representation.

Any person who acts under this subpart as a representative for the State of Nevada (or for the Governor or legislature thereof) or for an affected Indian Tribe shall include in the request or other submission, or at the request of the Commission, a statement of the basis of his or her authority to act in such representative capacity.

Subpart D—Records, Reports, Tests, and Inspections

§ 63.71 Records and reports.

(a) DOE shall maintain such records and make such reports in connection with the licensed activity as may be required by the conditions of the license or by rules, regulations, and orders of the Commission, as authorized by the Atomic Energy Act and the Energy Reorganization Act.

(b) Records of the receipt, handling, and disposition of radioactive waste at a geologic repository operations area at the Yucca Mountain site shall contain sufficient information to provide a complete history of the movement of the waste from the shipper through all phases of storage and disposal. DOE shall retain these records in a manner that ensures their usability for future generations in accordance with § 63.51(a)(2).

§ 63.72 Construction records.

(a) DOE shall maintain records of construction of the geologic repository operations area at the Yucca Mountain site in a manner that ensures their usability for future generations in accordance with § 63.51(a)(2).

(b) The records required under paragraph (a) of this section shall include at least the following:

(1) Surveys of the underground facility excavations, shafts, ramps, and boreholes referenced to readily identifiable surface features or monuments;

(2) A description of the materials encountered;

(3) Geologic maps and geologic cross-sections;

(4) Locations and amount of seepage;

(5) Details of equipment, methods, progress, and sequence of work;

(6) Construction problems;

(7) Anomalous conditions encountered;

(8) Instrument locations, readings, and analysis;

(9) Location and description of structural support systems;

(10) Location and description of dewatering systems; and

(11) Details, methods of emplacement, and location of seals used.

§ 63.73 Reports of deficiencies.

(a) DOE shall promptly notify the Commission of each deficiency found in the characteristics of the Yucca Mountain site, and design and construction of the geologic repository operations area that, were it to remain uncorrected, could:

(1) Be a substantial safety hazard;

(2) Represent a significant deviation from the design criteria and design bases stated in the application; or

(3) Represent a deviation from the conditions stated in the terms of a construction authorization or the license, including license specifications.

(b) The notification shall be in the form of a written report, copies of which shall be sent to the Director and to the appropriate Nuclear Regulatory Commission Regional Office listed in Appendix D of Part 20 of this chapter.

§ 63.74 Tests.

(a) DOE shall perform, or permit the Commission to perform, such tests as the Commission deems appropriate or necessary for the administration of the regulations in this part. These may include tests of:

(1) Radioactive waste,

(2) The geologic repository, including portions of the geologic setting and the structures, systems, and components constructed or placed therein,

(3) Radiation detection and monitoring instruments, and

(4) Other equipment and devices used in connection with the receipt, handling, or storage of radioactive waste.

(b) The tests required under this section shall include a performance confirmation program carried out in accordance with Subpart F of this part.

§ 63.75 Inspections.

(a) DOE shall allow the Commission to inspect the premises of the geologic repository operations area at the Yucca Mountain site and adjacent areas to which DOE has rights of access.

(b) DOE shall make available to the Commission for inspection, on reasonable notice, records kept by DOE pertaining to activities under this part.

(c)(1) DOE shall, on requests by the Director, Office of Nuclear Material Safety and Safeguards, provide rent-free office space for the exclusive use of the Commission inspection personnel. Heat, air-conditioning, light, electrical outlets, and janitorial services shall be furnished by DOE. The office shall be convenient to and have full access to the facility and shall provide the inspector both visual and acoustic privacy.

(2) The space provided shall be adequate to accommodate two full-time inspectors, and other transient NRC personnel and will be generally commensurate with other office facilities at the Yucca Mountain site geologic repository operations area. A space of 250 square feet either within the geologic repository operations area's office complex or in an office trailer or other onsite space at the geologic repository operations area is suggested as a guide. For locations at which activities are carried out under licenses issued under other parts of this chapter, additional space may be requested to accommodate additional full-time inspectors. The Office space that is provided shall be subject to the approval of the Director, Office of

Nuclear Material Safety and Safeguards. All furniture, supplies, and communication equipment will be furnished by the Commission.

(3) DOE shall afford any NRC resident inspector assigned to the Yucca Mountain site or other NRC inspectors identified by the Regional Administrator as likely to inspect the Yucca Mountain facility, immediate unfettered access, equivalent to access provided regular employees, after proper identification and compliance with applicable access control measures for security, radiological protection, and personal safety.

§ 63.78 Material control and accounting records and reports.

DOE shall implement a program of material control and accounting (and accidental criticality reporting) that is the same as that specified in §§ 72.72, 72.74, 72.76, and 72.78 of this chapter.

Subpart E—Technical Criteria

§ 63.101 Purpose and nature of findings.

(a)(1) Subpart B of this part prescribes the standards for issuance of a license to receive and possess source, special nuclear, or byproduct material at a geologic repository operations area at the Yucca Mountain site. In particular, § 63.41(c) requires a finding that the issuance of a license will not constitute an unreasonable risk to the health and safety of the public. The purpose of this subpart is to set out the performance objectives and other criteria that, if satisfied, will support such a finding of no unreasonable risk.

(2) Although the performance objective for the geologic repository after permanent closure specified at § 63.113 is generally stated in unqualified terms, it is not expected that complete assurance that the requirement will be met can be presented. A reasonable assurance, on the basis of the record before the Commission, that the performance objective will be met is the general standard that is required. Proof that the geologic repository will be in conformance with the objective for postclosure performance is not to be had in the ordinary sense of the word because of the uncertainties inherent in the understanding of the evolution of the geologic setting, biosphere, and engineered barrier system. For such long-term performance, what is required is reasonable assurance, making allowance for the time period, hazards, and uncertainties involved, that the outcome will be in conformance with the objective for postclosure performance of the geologic repository. Demonstrating compliance will involve the use of complex predictive models that are supported by limited data from field and laboratory tests, site-specific monitoring, and natural analog studies that may be supplemented with prevalent expert judgment. Further, in reaching a determination of reasonable assurance, the Commission may supplement numerical analyses with qualitative judgments including, for example, consideration of the degree of diversity among the multiple barriers as a measure of the resiliency of the geologic repository.

(b) Subpart B of this part also lists findings that must be made in support of an authorization to construct a geologic repository operations area at the Yucca Mountain site. In particular, § 63.31(a) requires a finding that there is reasonable assurance that the types and amounts of radioactive materials described in the application can be received, possessed, and disposed of in a geologic repository operations area of the design proposed without unreasonable risk to the health and safety of the public. As stated in that paragraph, in arriving at this determination, the Commission will consider whether DOE has demonstrated that the geologic repository complies with the criteria contained in this subpart. Once again, although the criteria may be written in unqualified terms, the demonstration of compliance must take uncertainties and gaps in knowledge into account so that the Commission can make the specified finding with respect to reasonable assurance as specified in paragraph (a) of this section.

§ 63.102 Concepts.

This section provides a functional overview of this Subpart E. In the event of any inconsistency with definitions found in § 63.2, those definitions shall prevail.

(a) The HLW facility at the Yucca Mountain site. NRC exercises licensing and related regulatory authority over those facilities described in Section 202 (3) and (4) of the Energy Reorganization Act of 1974, including the site at Yucca Mountain, as designated by the Energy Policy Act of 1992.

(b) The geologic repository operations area. (1) This part deals with the exercise of authority with respect to a particular class of HLW facility—namely, a geologic repository operations area at Yucca Mountain.

(2) A geologic repository operations area consists of those surface and subsurface areas of the site that are part of a geologic repository where radioactive waste handling activities are conducted. The underground structure, backfill materials, if any, and openings that penetrate the underground structure (e.g., ramps, shafts and boreholes, including their seals), are designated the underground facility.

(3) The exercise of Commission authority requires that the geologic repository operations area be used for storage (which includes disposal) of high-level radioactive wastes (HLW).

(4) HLW includes irradiated reactor fuel as well as reprocessing wastes. However, if DOE proposes to use the geologic repository operations area for storage of radioactive waste other than HLW, the storage of this radioactive waste is subject to the requirements of this part.

(c) Stages in the licensing process. There are several stages in the licensing process. The site characterization stage, when the performance confirmation program is started, begins before submission of a license application, and may result in consequences requiring evaluation in the license review. The construction stage would follow, after issuance of a construction authorization. A period of operations follows the Commission's issuance of a license. The period of operations includes the time during which emplacement of wastes occurs; any subsequent period before permanent closure during which the emplaced wastes are retrievable; and permanent closure, which includes sealing openings to the repository. Permanent closure represents the end of the performance confirmation program; final backfilling of the underground facility, if appropriate; and the sealing of shafts, ramps, and boreholes.

(d) Areas related to isolation. Although the activities subject to regulation under this part are those to be carried out at the geologic repository operations area, the licensing process also considers characteristics of adjacent areas that are defined in other ways. There must be an area surrounding the geologic repository operations area, that could include either a portion or all of the site, within which DOE must exercise specified controls to prevent adverse human actions after permanent closure. There is an area, designated the geologic setting, which includes the geologic, hydrologic, and geochemical systems of the region in which the site and geologic repository operations area are located. The geologic repository operations area, plus the portion of the geologic setting that provides isolation of the radioactive waste, make up the geologic repository.

(e) Performance objectives through permanent closure. Before permanent closure, the geologic repository operations area is required to limit

radiation levels and exposures, in both restricted and unrestricted areas, and releases of radioactive materials to unrestricted areas, as specified at § 63.111(a).

(f) Integrated safety analysis. Section 63.111 includes performance objectives for the geologic repository operations area for the period before permanent closure and decontamination or dismantlement of surface facilities. The integrated safety analysis is a systematic examination of the geologic repository operations area's hazards and their potential for initiating event sequences; the potential event sequences and their consequences; and the site, structures, systems, components, equipment, and activities of personnel, to ensure that all relevant hazards that could result in unacceptable consequences have been adequately evaluated and appropriate protective measures have been identified. As used here, integrated means joint consideration of safety measures that otherwise might conflict, including, but not limited to, integration of fire protection, radiation safety, criticality safety, and chemical safety measures. The results of this analysis will support a determination regarding compliance of the geologic repository operations area with the requirements specified at § 63.111.

(g) Performance objective after permanent closure. After permanent closure, the geologic repository is required to limit the expected annual dose to the average member of the critical group, as specified at § 63.113(b).

(h) Multiple barriers. Section 63.113(a) requires that the geologic repository include multiple barriers, both natural and engineered. Geologic disposal of HLW is predicated on the expectation that a portion of the geologic setting will be capable of contributing to the isolation of radioactive waste, and thus be a barrier important to waste isolation. Although there is an extensive geologic record ranging from thousands to millions of years, this record is subject to interpretation and includes many uncertainties. In addition, there are uncertainties in the isolation capability and performance of engineered barriers. Although the composition and configuration of engineered structures (barriers) can be defined with a degree of precision not possible for natural barriers, it is recognized that except for a few archaeologic analogues, there is a limited experience base for the performance of complex, engineered structures over periods longer than a few hundred years considering the uncertainty in characterizing and modeling individual barriers. These uncertainties are addressed by requiring the use of a multiple barrier approach; specifically, an engineered barrier system is required in addition to the natural barriers provided by the geologic setting. It is intended that natural barriers and the engineered barrier system work in combination to enhance the resiliency of the geologic repository and increase confidence that the postclosure performance objective at § 63.113(b) will be achieved.

(i) Reference biosphere and critical group. The performance assessment will estimate the amount of radioactive material released to water or air at various locations and times in the future. To estimate the potential for future human exposures resulting from release of radioactive material from a geologic repository at Yucca Mountain, it is necessary to make certain assumptions about the location and characteristics of a critical group. The environment inhabited by the critical group, along with associated human exposure pathways and dose assessment parameters, make up the reference biosphere. The critical group is selected to represent those persons in the vicinity of Yucca Mountain who are reasonably expected to receive the greatest exposure to radioactive material released from a geologic repository at Yucca Mountain. Characteristics of the reference biosphere and the critical group are to be based on current human behavior and biospheric conditions in the region.

(j) Performance assessment. Demonstrating compliance with the postclosure performance objective specified at § 63.113(b) requires a performance assessment to quantitatively estimate the expected annual dose, over the compliance period, to the average member of the critical group. The performance assessment is a systematic analysis that identifies the features, events, and processes (i.e., specific conditions or attributes of the geologic setting, degradation, deterioration, or alteration processes of engineered barriers, and interactions between the natural and engineered barriers) that might affect performance of the geologic repository; examines their effects on performance; and estimates the expected annual dose. The features, events, and processes considered in the performance assessment should represent a wide range of both beneficial and potentially adverse effects on performance (e.g., beneficial effects of radionuclide sorption; potentially adverse effects of fracture flow or a criticality event). Those features, events, and processes expected to materially affect compliance with § 63.113(b) or be potentially adverse to performance are included, while events of very low probability of occurrence (less than one chance in 10,000 over 10,000 years) can be excluded from the analysis. The expected annual dose to the average member of the critical group is estimated using the selected features, events, and processes, and incorporating the probability that the estimated dose will occur.

(k) Institutional controls. Active and passive institutional controls will be maintained over the Yucca Mountain site, and are expected to reduce significantly, but not eliminate, the potential for human activity that could inadvertently cause or accelerate the release of radioactive material. Because it is not possible to make scientifically sound forecasts of the long-term reliability of such controls, however, it is not appropriate to integrate consideration of human intrusion into a fully risk-based performance assessment for purposes of evaluating the ability of the geologic repository to achieve the performance objective at § 63.113(b). Hence, human intrusion is addressed in a stylized manner as described in paragraph l of this section.

(l) Human intrusion. In contrast to events unrelated to human activity, the probability and characteristics of human intrusion occurring many hundreds or thousands of years into the future cannot be estimated by examining either the historic or geologic record. Rather than speculating on the nature and probability of future intrusion, it is more useful to assess how resilient the geologic repository would be against a postulated intrusion as specified at § 63.113(d). Although the consequences of an assumed intrusion event is a separate analysis, the analysis is identical to the performance assessment required by § 63.113(c); except that it assumes the occurrence of a postulated human intrusion event.

(m) Performance confirmation. A performance confirmation program will be conducted to verify the assumptions, data, and analyses that support the performance assessment, and any findings, based thereon, that permitted construction of the repository. Key geologic, hydrologic, geomechanical, and other physical parameters will be monitored throughout site characterization, construction, emplacement, and operation to detect any significant changes in the conditions assumed in the performance assessment that may affect compliance with the performance objective at § 63.113(b).

PERFORMANCE OBJECTIVES

§ 63.111 Performance objectives for the geologic repository operations area through permanent closure.

(a) Protection against radiation exposures and releases of radioactive material.

(1) The geologic repository operations area shall meet the requirements of Part 20 of this chapter.

(2) During normal operations, and for Category 1 design basis events, the annual dose to any real member of the public, located beyond the boundary of the site shall not exceed a TEDE of 0.25 mSv (25 mrem).

(b) Numerical Guides for Design Objectives. (1) The geologic repository operations area shall be designed so that taking into consideration Category 1 design basis events and until permanent closure has been completed, radiation exposures and radiation levels in both restricted and unrestricted areas, and releases of radioactive materials to unrestricted areas, will be maintained within the limits specified in paragraph (a) of this section.

(2) The geologic repository operations area shall be designed so that taking into consideration Category 2 design basis events and until permanent closure has been completed, no individual located on, or beyond, any point on the boundary of the site, will receive the more limiting of a TEDE of 0.05 Sv (5 rem), or the sum of the deep dose equivalent and the committed dose equivalent to any individual organ or tissue (other than the lens of the eye) of 0.5 Sv (50 rem). The lens dose equivalent shall not exceed 0.15 Sv (15 rem), and the shallow dose equivalent to skin shall not exceed 0.5 Sv (50 rem).

(c) Integrated safety analysis. An integrated safety analysis of the geologic repository operations area that meets the requirements specified at § 63.112 shall be performed. This analysis shall include a demonstration that:

(1) The requirements of § 63.111(a) will be met; and

(2) The design meets the requirements of § 63.111(b).

(d) Performance confirmation. The geologic repository operations area shall be designed so as to permit implementation of a performance confirmation program that meets the requirements of Subpart F of this part.

(e) Retrievability of waste. (1) The geologic repository operations area shall be designed to preserve the option of waste retrieval throughout the period during which wastes are being emplaced and thereafter, until the completion of a performance confirmation program and Commission review of the information obtained from such a program. To satisfy this objective, the geologic repository operations area shall be designed so that any or all of the emplaced waste could be retrieved on a reasonable schedule starting at any time up to 50 years after waste emplacement operations are initiated, unless a different time period is approved or specified by the Commission. This different time period may be established on a case-by-case basis consistent with the emplacement schedule and the planned performance confirmation program.

(2) This requirement shall not preclude decisions by the Commission to allow backfilling part, or all of, or permanent closure of, the geologic repository operations area, before the end of the period of design for retrievability.

(3) For purposes of this paragraph, a reasonable schedule for retrieval is one that would permit retrieval in about the same time as that required to construct the geologic repository operations area and emplace waste.

INTEGRATED SAFETY ANALYSIS

§ 63.112 Requirements for integrated safety analysis of the geologic repository operations area.

The integrated safety analysis of the geologic repository operations area shall include:

(a) A general description of the structures, systems, components, equipment, and process activities at the geologic repository operations area.

(b) An identification and systematic analysis of naturally occurring and human-induced hazards at the geologic repository operations area, including a comprehensive identification of potential accident/event sequences that would result in unacceptable consequences (i.e., design basis events).

(c) Data pertaining to the Yucca Mountain site, and the surrounding region to the extent necessary, used to identify naturally occurring and human-induced hazards at the geologic repository operations area.

(d) The technical basis for either inclusion or exclusion of specific, naturally occurring and human-induced hazards in the safety analysis.

(e) An analysis of the performance of the major design structures, systems, and components, both surface and subsurface, to identify those that are important to safety, including identification and description of controls that are relied on to limit or prevent potential accidents or mitigate their consequences, and including identification of measures taken to ensure the availability of identified safety systems. The analysis required in this paragraph shall include, but not necessarily be limited to, consideration of:

(1) Means to limit concentration of radioactive material in air;

(2) Means to limit the time required to perform work in the vicinity of radioactive materials;

(3) Suitable shielding;

(4) Means to monitor and control the dispersal of radioactive contamination;

(5) Means to control access to high radiation areas or airborne radioactivity area;

(6) Means to control criticality;

(7) Radiation alarm system to warn of significant increases of radiation levels, concentrations of radioactive material in air, and increased radioactivity in effluents;

(8) Ability of structures, systems, and components to perform their intended safety functions, assuming the occurrence of design basis events;

(9) Explosion and fire detection systems and appropriate suppression systems;

(10) Means to control radioactive waste and radioactive effluents, and permit prompt termination of operations and evacuation of personnel during an emergency;

(11) Means to provide reliable and timely emergency power to instruments, utility service systems, and operating systems important to safety if there is a loss of primary electric power;

(12) Means to provide redundant systems necessary to maintain, with adequate capacity, the ability of utility services important to safety; and

(13) Means to inspect, test, and maintain structures, systems, and components important to safety, as necessary, to ensure their continued functioning and readiness.

(f) A description and discussion of the design, both surface and subsurface, of the geologic repository operations area, including:

(1) The relationship between principal design criteria and the requirements specified at § 63.111(a) and (b); and

(2) The design bases and their relation to the principal design criteria.

§ 63.113 Performance objective for the geologic repository after permanent closure.

(a) The geologic repository shall include multiple barriers, consisting of both natural barriers and an engineered barrier system.

(b) The engineered barrier system shall be designed so that, working in combination with natural barriers, the expected annual dose to the average

member of the critical group shall not exceed 0.25 mSv (25 mrem) TEDE at any time during the first 10,000 years after permanent closure, as a result of radioactive materials released from the geologic repository.

(c) The ability of the geologic repository to limit radiological exposures to those specified in paragraph (b) of this section shall be demonstrated through a performance assessment that meets the requirements specified at § 63.114, uses the reference biosphere and critical group specified at § 63.115, and excludes the effects of human intrusion.

(d) The ability of the geologic repository to limit radiological exposures to those specified in paragraph (b) of this section, in the event of limited human intrusion into the engineered barrier system, shall be demonstrated through a separate performance assessment that meets the requirements specified at § 63.114 and uses the reference biosphere and critical group specified at § 63.115. For the assessment required by this paragraph, it shall be assumed that the human intrusion occurs 100 years after permanent closure and takes the form of a drilling event that results in a single, nearly vertical borehole that penetrates a waste package, extends to the saturated zone, and is not adequately sealed.

PERFORMANCE ASSESSMENT

§ 63.114 Requirements for performance assessment.

Any performance assessment used to demonstrate compliance with § 63.113(b) shall:

(a) Include data related to the geology, hydrology, and geochemistry (including disruptive processes and events) of the Yucca Mountain site, and the surrounding region to the extent necessary, and information on the design of the engineered barrier system, used to define parameters and conceptual models used in the assessment.

(b) Account for uncertainties and variabilities in parameter values and provide the technical basis for parameter ranges, probability distributions, or bounding values used in the performance assessment.

(c) Consider alternative conceptual models of features and processes that are consistent with available data and current scientific understanding, and evaluate the effects that alternative conceptual models have on the performance of the geologic repository.

(d) Consider only events that have at least one chance in 10,000 of occurring over 10,000 years.

(e) Provide the technical basis for either inclusion or exclusion of specific features, events, and processes of the geologic setting in the performance assessment. Specific features, events, and processes of the geologic setting must be evaluated in detail if the magnitude and time of the resulting expected annual dose would be significantly changed by their omission.

(f) Provide the technical basis for either inclusion or exclusion of degradation, deterioration, or alteration processes of engineered barriers in the performance assessment, including those processes that would adversely affect the performance of natural barriers. Degradation, deterioration, or alteration processes of engineered barriers must be evaluated in detail if the magnitude and time of the resulting expected annual dose would be significantly changed by their omission.

(g) Provide the technical basis for models used in the performance assessment such as comparisons made with outputs of detailed process-level models and/or empirical observations (e.g., laboratory testing, field investigations, and natural analogs).

(h) Identify those design features of the engineered barrier system, and natural features of the geologic setting, that are considered barriers important to waste isolation.

(i) Describe the capability of barriers, identified as important to waste isolation, to isolate waste, taking into account uncertainties in characterizing and modeling the barriers.

(j) Provide the technical basis for the description of the capability of barriers, identified as important to waste isolation, to isolate waste.

CHARACTERISTICS OF THE REFERENCE BIOSPHERE AND CRITICAL GROUP

§ 63.115 Required characteristics of the reference biosphere and critical group.

(a) Reference biosphere. (1) Features, events, and processes that describe the reference biosphere shall be consistent with present knowledge of the conditions in the region surrounding the Yucca Mountain site.

(2) Biosphere pathways shall be consistent with arid or semi-arid conditions.

(3) Climate evolution shall be consistent with the geologic record of natural climate change in the region surrounding the Yucca Mountain site.

(4) Evolution of the geologic setting shall be consistent with present knowledge of natural processes.

(b) Critical group. (1) The critical group shall reside within a farming community located approximately 20 km south from the underground facility (in the general location of U.S. Route 95 and Nevada Route 373, near Lathrop Wells, Nevada).

(2) The behaviors and characteristics of the farming community shall be consistent with current conditions of the region surrounding the Yucca Mountain site. Changes over time in the behaviors and characteristics of the critical group including, but not necessarily limited to, land use, lifestyle, diet, human physiology, or metabolics; shall not be considered.

(3) The critical group resides within a farming community consisting of approximately 100 individuals, and exhibits behaviors or characteristics that will result in the highest expected annual doses.

(4) The behaviors and characteristics of the average member of the critical group shall be based on the mean value of the critical group's variability range. The mean value shall not be unduly biased based on the extreme habits of a few individuals.

(5) The average member of the critical group shall be an adult. Metabolic and physiological considerations shall be consistent with present knowledge of adults.

LAND OWNERSHIP AND CONTROL

§ 63.121 Requirements for ownership and control of interests in land.

(a) Ownership of land. (1) Both the geologic repository operations area and the site shall be located in and on lands that are either acquired lands under the jurisdiction and control of DOE, or lands permanently withdrawn and reserved for its use.

(2) These lands shall be held free and clear of all encumbrances, if significant, such as:

(i) Rights arising under the general mining laws;

(ii) Easements for right-of-way; and

(iii) All other rights arising under lease, rights of entry, deed, patent, mortgage, appropriation, prescription, or otherwise.

(b) Additional controls. Appropriate controls shall be established outside of the site. DOE shall exercise any jurisdiction and control over surface and subsurface estates necessary to prevent adverse human actions that could significantly reduce the geologic repository's ability to achieve isolation. The rights of DOE may take the form of appropriate possessory interests, servitudes, or withdrawals from location or patent under the general mining laws.

(c) Water rights. (1) DOE shall also have obtained such water rights as may

be needed to accomplish the purpose of the geologic repository operations area.

(2) Water rights are included in the additional controls to be established under paragraph (b) of this section.

Subpart F—Performance Confirmation Program

§ 63.131 General requirements.

(a) The performance confirmation program shall provide data that indicate, where practicable, whether:

(1) Actual subsurface conditions encountered and changes in those conditions during construction and waste emplacement operations are within the limits assumed in the licensing review; and

(2) Geologic and engineered systems and components required for repository operation, and that are designed or assumed to operate as barriers after permanent closure, are functioning as intended and anticipated.

(b) The program shall have been started during site characterization and it will continue until permanent closure.

(c) The program shall include in-situ monitoring, laboratory and field testing, and in-situ experiments, as may be appropriate to provide the data required by paragraph (a) of this section.

(d) The program shall be implemented so that:

(1) It does not adversely affect the ability of the geologic and engineered elements of the geologic repository to meet the performance objectives.

(2) It provides baseline information and analysis of that information on those parameters and natural processes pertaining to the geologic setting that may be changed by site characterization, construction, and operational activities.

(3) It monitors and analyzes changes from the baseline condition of parameters that could affect the performance of a geologic repository.

§ 63.132 Confirmation of geotechnical and design parameters.

(a) During repository construction and operation, a continuing program of surveillance, measurement, testing, and geologic mapping shall be conducted to ensure that geotechnical and design parameters are confirmed and to ensure that appropriate action is taken to inform the Commission of changes needed in design to accommodate actual field conditions encountered.

(b) Subsurface conditions shall be monitored and evaluated against design assumptions.

(c) As a minimum, measurements shall be made of rock deformations and displacement; changes in rock stress and strain; rate and location of water inflow into subsurface areas; changes in groundwater conditions; rock pore water pressures, including those along fractures and joints; and the thermal and thermomechanical response of the rock mass as a result of development and operations of the geologic repository.

(d) These measurements and observations shall be compared with the original design bases and assumptions. If significant differences exist between the measurements and observations and the original design bases and assumptions, the need for modifications to the design or in construction methods shall be determined and these differences, their significance to repository performance, and the recommended changes reported to the Commission.

(e) In-situ monitoring of the thermomechanical response of the underground facility shall be conducted until permanent closure, to ensure that the performance of the geologic and engineering features is within design limits.

§ 63.133 Design testing.

(a) During the early or developmental stages of construction, a program for in-situ testing of such features as borehole and shaft seals, backfill, and the thermal interaction effects of the waste packages, backfill, rock, and groundwater shall be conducted.

(b) The testing shall be initiated as early as practicable.

(c) A backfill test section shall be constructed to test the effectiveness of backfill placement and compaction procedures against design requirements before permanent backfill placement is begun.

(d) Test sections shall be established to test the effectiveness of borehole, shaft, and ramp seals before full-scale operation proceeds to seal boreholes, shafts, and ramps.

§ 63.134 Monitoring and testing waste packages.

(a) A program shall be established at the geologic repository operations area for monitoring the condition of the waste packages. Waste packages chosen for the program shall be representative of those to be emplaced in the underground facility.

(b) Consistent with safe operation at the geologic repository operations area, the environment of the waste packages selected for the waste package monitoring program shall be representative of the environment in which the wastes are to be emplaced.

(c) The waste package monitoring program shall include laboratory experiments that focus on the internal condition of the waste packages. To the extent practical, the environment experienced by the emplaced waste packages within the underground facility during the waste package monitoring program shall be duplicated in the laboratory experiments.

(d) The waste package monitoring program shall continue as long as practical up to the time of permanent closure.

Subpart G—Quality Assurance

§ 63.141 Scope.

As used in this part, quality assurance comprises all those planned and systematic actions necessary to provide adequate confidence that the geologic repository and its subsystems or components will perform satisfactorily in service. Quality assurance includes quality control, which comprises those quality assurance actions related to the physical characteristics of a material, structure, component, or system that provide a means to control the quality of the material, structure, component, or system to predetermined requirements.

§ 63.142 Applicability.

The quality assurance program applies to all systems, structures, and components important to safety, to design and characterization of barriers important to waste isolation, and to activities related thereto. These activities include: site characterization, facility and equipment construction, facility operation, performance confirmation, permanent closure, and decontamination and dismantling of surface facilities.

§ 63.143 Implementation.

DOE shall implement a quality assurance program based on the criteria of Appendix B of 10 CFR Part 50, as applicable, and appropriately supplemented by additional criteria, as required by § 63.142.

Subpart H—Training and Certification of Personnel

§ 63.151 General requirements.

Operations of systems and components that have been identified as important to safety in the Safety Analysis Report and in the license shall be performed only by trained and certified personnel or by personnel under the direct visual supervision of an individual with training and certification in such operation. Supervisory personnel who direct operations that are important to safety must also be certified in such operations.

§ 63.152 Training and certification program.

DOE shall establish a program for training, proficiency testing, certification, and requalification of operating and supervisory personnel.

§ 63.153 Physical requirements.

The physical condition and the general health of personnel certified for operations that are important to safety shall not be such as might cause operational errors that could endanger the public health and safety. Any condition that might cause impaired judgment or motor coordination must be considered in the selection of personnel for activities that are important to safety. These conditions need not categorically disqualify a person, so long as appropriate provisions are made to accommodate such conditions.

Subpart I—Emergency Planning Criteria

§ 63.161 Emergency plan for the geologic repository operations area through permanent closure.

DOE shall develop and be prepared to implement a plan to cope with radiological accidents that may occur at the geologic repository operations area, at any time before permanent closure and decontamination or dismantlement of surface facilities. The emergency plan shall be based on the criteria of § 72.32(b) of this chapter.

Subpart J—Violations

§ 63.171 Violations.

(a) The Commission may obtain an injunction or other court order to prevent a violation of the provisions of—

(1) The Atomic Energy Act of 1954, as amended;

(2) Title II of the Energy Reorganization Act of 1974, as amended; or

(3) A regulation or order issued pursuant to those Acts.

(b) The Commission may obtain a court order for the payment of a civil penalty imposed under section 234 of the Atomic Energy Act:

(1) For violations of—

(i) Sections 53, 57, 62, 63, 81, 82, 101, 103, 104, 107, or 109 of the Atomic Energy Act of 1954, as amended;

(ii) Section 206 of the Energy Reorganization Act;

(iii) Any rule, regulation, or order issued pursuant to the sections specified in paragraph (b)(1)(i) of this section;

(iv) Any term, condition, or limitation of any license issued under the sections specified in paragraph (b)(1)(i) of this section.

(2) For any violation for which a license may be revoked under section 186 of the Atomic Energy Act of 1954, as amended.

§ 63.172 Criminal penalties.

(a) Section 223 of the Atomic Energy Act of 1954, as amended, provides for criminal sanctions for willful violation of, attempted violation of, or conspiracy to violate, any regulation issued under Sections 161b, 161i, or 161o of the Act. For purposes of Section 223, all the regulations in this Part 63 are issued under one or more of Sections 161b, 161i, or 161o, except for the sections listed in paragraph (b) of this section.

(b) The regulations in this Part 63 that are not issued under Sections 161b, 161i, or 161o for the purposes of Section 223 are as follows: Sections 63.1, 63.2, 63.5, 63.6, 63.7, 63.8, 63.15, 63.16, 63.21, 63.22, 63.23, 63.24, 63.31, 63.32, 63.33, 63.41, 63.42, 63.43, 63.45, 63.46, 63.51, 63.52, 63.61, 63.62, 63.63, 63.64, 63.65, 63.101, 63.102, 63.111, 63.112, 63.113, 63.114, 63.115, 63.121, 63.131, 63.132, 63.133, 63.134, 63.141, 63.142, 63.153, 63.171, and 63.172.

Dated at Rockville, Maryland, this 12th day of February, 1999.

For the Nuclear Regulatory Commission.

Annette Vietti-Cook,

Secretary of the Commission.

[FR Doc. 99–4022 Filed 2–19–99; 8:45 am]

BILLING CODE 7590–01–P

federal register

Monday
February 22, 1999

Part III

Department of Agriculture

Forest Service

Ski Area Permit Fee System; Notice

DEPARTMENT OF AGRICULTURE

Forest Service

Ski Area Permit Fee System

RIN 0596–AB49

AGENCY: Forest Service, USDA.

ACTION: Notice; adoption of final policy.

SUMMARY: The Forest Service is adopting final policy and procedures for determining permit fees for ski areas on National Forest System lands. The policy and procedures are being issued as amendments to the Forest Service Manual (FSM) chapter 2720 and the Forest Service Handbook (FSH) 2709.11, chapters 30 and 50. The policy and procedures implement the ski area permit fee system established by section 701 of the Omnibus Parks and Public Lands Management Act of 1996. The intended effect is to streamline and improve the consistency of permit administration for ski areas for both the Forest Service and ski area permit holders. Prior to the establishment of this ski area permit fee system, permit fees for most ski areas operating on National Forest System lands have been determined under the graduated rate fee system (GRFS), which is complex and costly to administer for large ski areas and has also been the subject of several audits, administrative appeals, and lawsuits.

DATES: These amendments are effective February 26, 1999.

FOR FURTHER INFORMATION CONTACT: Alice Carlton, Recreation, Heritage, and Wilderness Resources Staff, Forest Service, USDA, P.O. Box 96090, Washington, DC 20090–6090, (202) 205–1399. See the **SUPPLEMENTARY INFORMATION** section for information on electronic access to Forest Service directives.

SUPPLEMENTARY INFORMATION:

Background

Section 701(i) of the Omnibus Parks and Public Lands Management Act of 1996 (16 U.S.C. 497c) mandates that a new permit fee system be implemented for those ski areas operating on National Forest System lands that are authorized under the National Forest Ski Area Permit Act of 1986 (16 U.S.C. 497b) and for those ski areas authorized under the Organic Act of 1897 or the Term Permit Act of 1915 that elect the new fee system.

Because the Omnibus Parks and Public Lands Management Act of 1996 provides very little discretion to the agency in implementing the new fee system, the agency is proceeding to issue final policy and procedures to guide its employees in implementing this fee system. Permit fees for most ski areas operating on National Forest System lands have been determined under the graduated rate fee system (GRFS), which is complex and costly to administer for large ski areas and has also been the subject of several audits, administrative appeals, and lawsuits. Prior to passage of the act, the agency had published notice in the **Federal Register** of a proposed fee system based on site-specific appraisals (60 FR 36097, July 13, 1995). That proposed fee system was not finalized, because it was superseded by the fee system established by section 701 of the act.

The National Forest Ski Area Permit Act of 1986 authorizes the Forest Service to issue permits for the use and occupancy of suitable lands within the National Forest System for nordic and alpine skiing operations and purposes (16 U.S.C. 497b). Ski area permits issued before the effective date of the National Forest Ski Area Permit Act are authorized by the Term Permit Act (16 U.S.C. 497) and the Forest Service's Organic Act (16 U.S.C. 551).

Approximately 135 alpine or alpine and nordic ski areas are operating on National Forest System lands. Of those permitted areas, most pay annual permit fees determined under the graduated rate fee system (GRFS), while 15 to 20 permitted areas pay annual flat permit fees based either on GRFS principles or on a percentage of land value.

GRFS has been in effect for more than two decades and is complex and difficult to administer for ski areas. As applied to large ski areas, GRFS is not only costly to administer but also has been the subject of continuous controversy as evidenced by several audits, administrative appeals, and lawsuits.

The General Accounting Office (GAO), which conducted audits of the GRFS system in 1988, 1993, and 1996, concluded that GRFS does not reflect fair market value and recommended revision of the fee calculation system for ski areas. The U.S. Department of Agriculture's Office of Inspector General conducted internal audits of GRFS in 1993 and 1994 and recommended that the Forest Service pursue new systems for determining ski area permit fees based on fair market value.

Due to the historical controversy of ski area permit fees and the need for multidisciplinary expertise in this area, a Departmental Working Group was formed in July 1994 to expedite development of a new ski area permit fee system based on fair market value. The working group included representatives from the Forest Service, the Office of Inspector General, the Office of the General Counsel, and the Office of the Chief Financial Officer.

In September 1994, the Forest Service awarded a contract to identify methods pertinent to determining the fair market value of the use of National Forest System lands by ski areas. The contractor's December 1994 report analyzed 14 valuation techniques, including land valuation methods, business valuation methods, and a competitive bid valuation method. At the request of the Departmental Working Group, the Forest Service contracted for a written technical review of the contractor's report by two expert real estate appraisers.

A Federal advisory committee also was established in February 1995 to advise the Secretary of Agriculture on development of a new ski area permit fee system.

On July 13, 1995, the Forest Service published in the **Federal Register** for comment a proposed policy for a ski area permit fee system based on site-specific appraisals of the use of National Forest System lands by ski areas (60 FR 36097). Comments were received on the proposal, but the policy was not finalized because of the anticipated passage of legislation (first introduced in 1992) that would establish a different ski area permit fee system based on a percentage of revenues. This legislation was reintroduced in the 104th Congress and was signed into law on November 12, 1996 as Title VII, section 701, of the Omnibus Parks and Public Lands Management Act of 1996 (16 U.S.C. 497c).

Section 701 of the act requires permit fee calculations to be based on a percentage of revenue derived from use of National Forest System lands for ski areas authorized under the National Forest Ski Area Permit Act 1986 (16 U.S.C. 497b) and for ski areas with permits issued under other authorities that elect the new ski area permit fee system. The total fee is the sum of the amount of revenue in each of four revenue brackets, multiplied by progressively increasing percentages. Revenues from year-round operations of the ski areas (such as alpine and nordic lift tickets, passes, and ski school revenues) are included and are prorated according to the percentage of use of public compared to private land. Revenue from year-round ancillary facilities and operations is included only when the facilities or operations are located on public land. The value of bartered goods and the value of most complimentary lift tickets, as well as special event revenues, also are included in the fee calculation.

This ski area fee system is expected to be simpler and less costly to administer than GRFS, by eliminating the need for burdensome audits of ski area assets for those ski areas under the new system. This system is also expected to result in nationally consistent fee determinations. Every five years the Forest Service is required to determine whether the fee system reflects fair market value and to submit a report to Congress on its findings.

Conclusion

The text of the final ski area permit fee system direction as it is being issued in amendments to the Forest Service Manual (FSM) chapter 2720 and to Forest Service Handbook (FSH) 2709.11, Special Uses Handbook, chapters 30 and 50 is set forth at the end of this document.

Ski areas authorized under the National Forest Ski Area Permit Act of 1986 (16 U.S.C. 497b), and ski areas authorized under other authorities that so elect, would pay fees under the ski area permit fee system established by the Omnibus Parks and Public Lands Management Act of 1996 (16 U.S.C. 497c). Direction on specific circumstances under which the permit fee system established by 16 U.S.C. 497c applies to ski areas is found in FSM 2720.

The permit fee system established by 16 U.S.C. 497c is based on revenue from ski area lift tickets and passes and ski school operations (both alpine and nordic), adjusted for that portion of use that occurs on National Forest System lands, and revenue from ancillary facilities and operations that are located on National Forest System lands. Included in revenue are the value of bartered goods, and complimentary lift tickets and the revenue from special events. The permit fee is determined by applying progressively increasing percentage rates to the revenue amounts that fall into each of four revenue brackets, and summing the results. The implementing policy and procedures for fee calculation pursuant to 16 U.S.C. 497c are set out in FSH 2709.11, chapter 30.

The permit clause used to implement the permit fee system in 16 U.S.C. 497c by amending permits is set out in FSH 2709.11, chapter 50. Routine administrative revisions to make other agency direction consistent with implementation of this ski area permit fee system are also being issued to the FSM 2700 zero code chapter and FSH 2709.11, chapter 40.

Electronic Access

The full text of the FSM and FSH chapters for the amendments set out at the end of this document and for the related technical amendments is available electronically from the Forest Service directives home page on the World Wide Web at the Internet address www.fs.fed.us/im/directives/ and the amendments are also available upon request from Forest Service offices. These amendments are issued to FSM chapters 2700 zero code and 2720, Special Uses Administration, and FSH 2709.11, Special Uses Handbook, chapters 30, 40, and 50.

Regulatory Impact

This final policy has been reviewed under USDA procedures and Executive Order 12866 on Regulatory Planning and Review. It has been determined that this is not a significant action. This policy will not have an annual effect of $100 million or more on the economy nor adversely affect productivity, competition, jobs, the environment, public health or safety, nor State or local governments. This policy will not interfere with an action taken or planned by another agency nor raise new legal or policy issues. Finally, this action will not alter the budgetary impact of entitlements, grants, user fees, or loan programs or the rights and obligations of recipients of such programs. Accordingly, this final policy is not subject to OMB review under Executive Order 12866.

Moreover, this final policy has been considered in light of the Regulatory Flexibility Act (5 U.S.C. 601 *et seq.*), and it has been determined that this action will not have a significant economic impact on a substantial number of small entities as defined by that act. This ski area permit fee system, which was created and supported by the ski industry, is designed to have small ski areas with less revenue pay a smaller percentage of their earnings in permit fees than larger ski areas with higher revenues.

The statute establishing this ski area permit fee system (16 U.S.C. 497c), which the Congressional Budget Office determined to be revenue neutral, also requires the Forest Service to report to Congress every 5 years on whether the ski area permit fee system provides fair market value.

Environmental Impact

The final directives deal with technical, administrative changes associated with implementing the ski area permit fee system required by law (section 701 of the Omnibus Parks and Public Lands Management Act of 1996). Section 31.1b of Forest Service Handbook 1909.15 (57 FR 431, September 18, 1992) excludes from documentation in an environmental assessment or environmental impact statement ''rules, regulations, or policies to establish Service-wide administrative procedures, program processes, or instruction.'' The agency's assessment is that this policy falls within this category of actions and that no extraordinary circumstances exist which would require preparation of an environmental assessment or an environmental impact statement.

No Takings Implications

These directives have been analyzed in accordance with the principles and criteria contained in Executive Order 12630, and it has been determined that the directives do not pose the risk of a taking of Constitutionally protected private property. Executive Order 12630 does not apply to these directives because they consist primarily of technical and administrative changes to implement the ski area permit fee system required by law (section 701 of the Omnibus Parks and Public Lands Management Act of 1996) for authorization of occupancy and use of National Forest System lands by ski areas. Forest Service special use authorizations for ski areas do not grant any right, title, or interest in lands or resources held by the United States.

Controlling Paperwork Burdens on the Public

The information reporting requirements that will be imposed by these directives are required by the authorizing statute (16 U.S.C. 497c). Ski areas have previously reported revenue data on Form FS–2700–19 (OMB No. 0596–0082). Ski areas will now report revenue data on a modified version of Form FS–2700–19, numbered Form FS–2700–19a (OMB No. 0596–0082). All other resorts and concessions which remain on the graduated rate fee system (GRFS) will continue to use Form FS–2700–19. Because the new ski area permit fee system required by 16 U.S.C. 497c streamlines the fee calculation method, the agency estimates that the public reporting burden for ski areas will be substantially lower under this system than it is under GRFS. No additional recordkeeping, reporting requirements, or information collection requirements, as defined in 5 CFR part 1320, are required by these directives and, therefore, these directives impose no additional paperwork burden on the public. Accordingly, the review provisions of the Paperwork Reduction

Act of 1995 (44 U.S.C. 3501 *et seq.*) and implementing regulations at 5 CFR 1320 do not apply.

Unfunded Mandates Reform

Pursuant to Title II of the Unfunded Mandates Reform Act of 1995 (2 U.S.C. 1531–1538), which the President signed into law on March 22, 1995, the Department has assessed the effects of these directives on State, local, and tribal governments and the private sector. These directives do not compel the expenditure of $100 million or more by any State, local, or tribal governments or anyone in the private sector. Therefore, a statement under section 202 of the act is not required.

Civil Justice Reform

This final policy has been reviewed under Executive Order 12988, Civil Justice Reform. When this final policy is adopted, (1) all State and local laws and regulations that are in conflict with this final policy or which would impede its full implementation would be preempted; (2) no retroactive effect would be given to this final policy; and (3) it would not require administrative proceedings before parties may file suit in court challenging its provisions.

Dated: February 11, 1999.

Robert Lewis, Jr.,

Acting Associate Chief.

Ski Area Permit Fee System

Forest Service Manual and Handbook Directives

(**Note:** The Forest Service organizes its directive system by alphanumeric codes and subject headings. Only those sections of the Forest Service Manual (FSM) and Handbook (FSH) that are the subject of this notice are set out here. The audience for this direction is Forest Service employees charged with issuing and administering special use permits for ski areas.)

Forest Service Manual

Chapter 2720—Special Uses Administration.

Section 2721.6—Winter Recreation.

2721.61—Winter Recreation Resort. This designation includes resorts associated with various forms of winter outdoor recreation, though they often may be used for summer recreation purposes also. Make provision in the permit, as needed, to allow all-season uses. See FSH 2709.11 for general instructions on the prospectus, application for permit, permit preparation, permit issuance, and permit administration.

Review by the Regional Forester is required prior to issuance of a permit where the capital investment to be authorized exceeds or is expected to exceed $1 million for winter sports resorts.

2721.61b—Permit Fees. Calculate fees for winter recreation permits under the ski area permit fee system established by 16 U.S.C. 497c (FSH 2709.11, sec. 38) or under the graduated rate fee system (GRFS) (FSM 2715.11) as follows:

1. *Permit Fee System for Ski Areas Authorized Under National Forest Ski Area Permit Act of 1986.* For ski areas authorized under the National Forest Ski Area Permit Act of 1986 (16 U.S.C. 497b), calculate permit fees under the permit fee system established by 16 U.S.C. 497c and set out in FSH 2709.11, section 38.

2. *Permit Fee System for Ski Areas Authorized Under Organic Act of 1897 and Term Permit Act of 1915.* For ski areas authorized under the Organic Act of 1897 (16 U.S.C. 551) or the Term Permit Act of 1915 (16 U.S.C. 497), provide holders the opportunity to elect the fee system in 16 U.S.C. 497c (FSH 2709.11, sec. 38). Do not require conversion of such authorizations to a permit issued under the National Forest Ski Area Permit Act of 1986.

If the holder does not elect to have permit fees calculated under the ski area permit fee system in 16 U.S.C. 497c, continue to calculate fees according to the method specified in the holder's permit (FSM 2715.11).

For nordic areas where primarily outfitting and guiding activities are conducted, continue to apply the permit fee system specified in the existing permit. Refer to FSM 2721.61e, paragraph 4, for direction on the characteristics of a nordic operation eligible for authorization under the National Forest Ski Area Permit Act of 1986 and for applicability of the permit fee system to such areas, as set out in FSH 2709.11, section 38.

3. *Permit Fee System for Operations That Include Incidental Ski Activities or Facilities.* For resorts that are primarily summer seasonal in nature and may include minor ski operations (such as a simple lift or minor nordic operations), continue to apply the permit fee system specified in the existing permit.

For activities that are authorized under the National Forest Ski Area Permit Act of 1986 but include only incidental ski operations, apply the permit fee system in 16 U.S.C. 497c (FSH 2709.11, sec. 38). Encourage authorization of those activities under a more appropriate authority listed in FSM 2701, with the appropriate fee system.

4. *Permit Fee System for Ski Lifts and Tows.* Use the following permit fee systems for ski lifts and tows:

a. If the use is authorized under the Term Permit Act of 1915 or the Organic Act of 1897, calculate permit fees for ski lifts and tows using a negotiated fair market value flat rate (FSH 2709.11, sec. 52) or GRFS (FSM 2715.11).

b. If the use is authorized under the National Forest Ski Area Permit Act of 1986, apply the permit fee system established by 16 U.S.C. 497c (FSH 2709.11, sec. 38). Encourage authorization of ski lifts and tows under a more appropriate authority listed in FSM 2701, with the appropriate fee system. Refer to FSM 2721.62 for management direction regarding ski lifts and tows.

Forest Service Handbook 2709.11—Special Uses Management Handbook

Chapter 30—Fee Determination.

38—Ski Area Permit Fees. This section provides direction to be followed primarily in determining fees as required by the Omnibus Parks and Public Lands Management Act of 1996 (16 U.S.C. 497c) for ski areas on National Forest System lands authorized under the National Forest Ski Area Permit Act of 1986 and for ski areas authorized under the Organic Act and the Term Permit Act that elect the fee system established by 16 U.S.C. 497c. See FSM 2711.15 for direction on determining fees under the graduated rate fee system (GRFS) for ski areas authorized under the Organic Act and the Term Permit Act that do not elect the fee system established by 16 U.S.C. 497c. (For related direction on special uses administration for ski areas, see FSM 2721.6 and FSH 2709.11, ch. 40 and 50.)

38.01—Authority. (FSM 2701.1).

38.02—Objectives. The objectives of the permit fee system for ski areas operating on National Forest System lands are:

1. To ensure that the permit fee remains equitable to both the United States and ski area permit holders.

2. To ensure that the permit fee system is economical and simple to administer for both the permit holders and the Forest Service.

38.03—Policy.

38.03a—Ski Area Permits Subject to Fee System Established by 16 U.S.C. 497c. Use the fee system established by 16 U.S.C. 497c to calculate permit fees for ski areas authorized by the National Forest Ski Area Permit Act of 1986 (Ski Area Permit Act) and for those ski areas authorized by the Organic Act of 1897 and the Term Permit Act of 1915 that have elected the permit fee system established by 16 U.S.C. 497c. For ski areas authorized by the Ski Area Permit Act, follow the direction in section

38.43a and section 38.43b to convert permits to the permit fee system in 16 U.S.C. 497c. For ski areas authorized by other authorities, follow the direction in section 38.43c to convert permits to the permit fee system established by 16 U.S.C. 497c.

38.03b—Ski Area Permits Subject to Graduated Rate Fee System or Alternate Fee System. Until a new permit is issued under the Ski Area Permit Act, continue to administer under their current fee system those ski areas whose permits were issued under authorities other than the Ski Area Permit Act and which have not elected the permit fee system established by 16 U.S.C. 497c (FSM 2715.1).

38.04—Responsibility.

38.04a—Director of Recreation, Heritage, and Wilderness Resources, Washington Office. It is the responsibility of the Director of Recreation, Heritage, and Wilderness Resources, Washington Office to adjust annually the gross revenue figures for each revenue bracket by the Consumer Price Index for the preceding calendar year (sec. 38.12) and to analyze every five years, beginning in 1999, whether permit fees paid under 16 U.S.C. 497c are returning fair market value for the use of National Forest System lands under ski area permits.

38.04b—Director of Financial Management, Washington Office. It is the responsibility of the Director of Financial Management to compile national permit fee information annually and to provide overall management and oversight on audits of the fee system (FSH 1409.15, Auditing Concessions Handbook) to be used in administration of the permit fee system established by 16 U.S.C. 497c.

38.04c—Directors of Financial Management, Regional Offices. It is the responsibility of the Regional Directors of Financial Management or equivalent officials to submit regionally compiled permit fee information to the Washington Office on an annual basis.

38.04d—Authorized Officer. It is the responsibility of the authorized officer (36 CFR 251.51) to:

1. Notify the permit holder of the ski area permit fee system and related requirements established by 16 U.S.C. 497c and, as applicable, of the holder's option to elect the permit fee system established by 16 U.S.C. 497c.

2. Modify special use permits issued under the Ski Area Permit Act to incorporate provisions of the ski area permit fee system established by 16 U.S.C. 497c, and provide permit fee information on Form FS–2700–19a, USDA Forest Service Fee Calculation for Ski Area Permits, to the permit holder.

3. Notify holders of annual adjustments to the gross revenue figures for each revenue bracket by the Consumer Price Index for the preceding calendar year (sec. 38.12).

4. Require the holder, through provisions in the permit, to calculate and make estimated fee payments, and ensure that the holder calculates and pays permit fees in accordance with the terms of the permit.

5. Ensure that the holder submits financial documents, including annually completed permit fee information on Form FS–2700–19a, that support fee calculations in accordance with the terms of the permit.

6. Submit permit fee information to the regional director responsible for financial management on an annual basis.

38.05—Definitions. The following terms and acronyms are used in the fee calculations set out in section 38.12.

Adjusted Gross Revenue—AGR. Revenue used in the permit fee calculation, which includes revenue from sales of year-round alpine and nordic ski area passes and tickets and revenue from alpine and nordic ski school operations associated with the use of National Forest System lands; gross year-round revenue from ancillary facilities located on National Forest System lands; the value of bartered goods; and the value of complimentary lift tickets.

Bartered Goods and Complimentary Lift Tickets. Goods, services, or privileges that are not available to the general public (except for employee gratuities, employee lift tickets, and discounts, and except for ski area tickets and passes provided for a public safety or public service purpose) and that are donated or provided without charge in exchange for something of value to organizations or individuals (for example, ski area product discounts, service discounts, or lift tickets that are provided free of charge in exchange for advertising).

Discriminatory Pricing. Rates based solely on race, color, religion, sex, national origin, age, disability, or place of residence.

Gross Revenue from Ancillary Facilities—GRAF. Gross revenue from year-round sales derived from temporary and permanent ancillary facilities located on National Forest System lands, including all holder and subholder lodging, food service, rental shops, and other ancillary operations.

Lift Tickets and Passes—LT. Revenue from sales of alpine and nordic lift tickets and passes purchased for the purpose of using a ski area during any time of the year.

Market Price. The price generally available to an informed public, excluding special promotions.

Ski Area Permit Fee—SAPF. Ski area permit fee for use of National Forest System lands.

Ski School Operations—SS. Revenue from lessons provided to teach alpine or nordic skiing or other winter sports activities, such as racing, snowboarding, or snowshoeing.

Slope Transport Feet Percentage—STFP. The method used to prorate revenue from the sale of alpine ski area passes and lift tickets and revenue from alpine ski school operations between National Forest System lands and private land in the ski area.

38.1—Permits Subject to Ski Area Permit Fee System. Under the ski area permit fee system established by 16 U.S.C. 497c, calculate the permit fee based on adjusted gross revenue associated with the ski area under permit.

38.11—Fee Proration for Mixed Land Ownership. Under no circumstances shall holder or subholder revenue (except those revenues from sales of lift tickets and passes and from ski school operations) obtained from operations located on private land be included in the permit fee calculation.

1. Prorate revenue derived from the ski area according to the percentage of use between National Forest System lands and private land in the ski area (for example, use the STFP for alpine revenue or the nordic trail length percentage for nordic revenue; sec. 38.12, para. 5).

2. Prorate revenue from ancillary facilities before it is included in the permit fee calculation, since GRAF is gross revenue from ancillary facilities located on National Forest System lands.

3. Include in the fee calculation and prorate accordingly all revenue from the sale of alpine and nordic ski area tickets and passes and all revenue from alpine and nordic ski school operations, even such revenue that is generated on private land (such as from tickets sold on private land).

38.12—Fee Calculation. (See sec. 38.05 for definitions of acronyms and terms used in this section.) Use the following formula to calculate the ski area permit fee in accordance with 16 U.S.C. 497c:

$$SAPF = (.015 \times AGR \text{ in bracket } 1) + (.025 \times AGR \text{ in bracket } 2) + (.0275 \times AGR \text{ in bracket } 3) + (.04 \times AGR \text{ in bracket } 4)$$

Where:

$$AGR = [(LT + SS) \times (\text{proration } \%)] + GRAF$$

1. *SAPF* is the ski area permit fee established by 16 U.S.C. 497c for use of National Forest System lands.

a. Calculate SAPF by summing the results of multiplying the indicated percentage rates by the amount of the holder's adjusted gross revenue (AGR), which falls into each of the four brackets.

b. Follow direction in the following paragraph 2 to determine AGR.

c. Calculate the permit fee based on the holder's fiscal year, unless otherwise mutually agreed by the holder and the authorized officer.

d. Use the revenue brackets as indexed for the previous calendar year. The Director of Recreation, Heritage, and Wilderness Resources, Washington Office, annually adjusts the four revenue brackets by the Consumer Price Index (CPI). (The Director of Lands, Washington Office, issues the updated CPI annually in sec. 36.21). Regardless of when the holder's fiscal year begins or ends, do not split the holder's AGR for any fiscal year into more than one set of indexed brackets. For example, apply the brackets as adjusted by the calendar year 1996 CPI to the holder's fiscal year 1997 permit fee calculation. When applying the adjusted brackets to calculate fees, round the fees to the nearest thousand dollars (for example, round up to $1,000 from $500.00 and round down to $0 from $499.99). Only the levels of AGR defined in each bracket are updated annually. The percentage rates do not change.

e. To calculate permit fees for fiscal years 1996 through 1999, and for 2000 and beyond, use the revenue brackets and percentages displayed in exhibit 01 as shown in the preceding formulas in this section.

38.12—EXHIBIT 01.—ADJUSTED GROSS REVENUE (AGR) BRACKETS AND ASSOCIATED PERCENTAGE RATES FOR USE IN DETERMINING SKI AREA PERMIT FEE (SAPF)

[Revenue Brackets (updated annually by CPI*) and Percentage Rates]

Holder FY	Bracket 1 (1.5%)	Bracket 2 (2.5%)	Bracket 3 (2.75%)	Bracket 4 (4%)
FY 1996 CPI: N/A	All revenue below $3,000,000	$3,000,000 to <$15,000,000	$15,000,000 to $50,000,000	All revenue over $50,000,000.
FY 1997 CPI: 1.030	All revenue below $3,090,000	$3,090,000 to <$15,450,000	$15,450,000 to $51,500,000	All revenue over $51,500,000.
FY 1998 CPI: 1.022	All revenue below $3,158,000	$3,158,000 to <$15,790,000	$15,790,000 to $52,633,000	All revenue over $52,633,000.
FY 1999 CPI: 1.017	All revenue below $3,212,000	$3,212,000 to <$16,058,000	$16,058,000 to $53,528,000	All revenue over $53,528,000.
FY 2000 and beyond	BRACKETS WILL BE UPDATED ANNUALLY BY CPI*			

*The Director of Recreation, Heritage, and Wilderness Resources, Washington Office, updates the revenue brackets annually, based on the Consumer Price Index (CPI) which is revised and issued annually in section 36.21.

2. *AGR* is the adjusted gross revenue used in the permit fee calculation.

a. Include as revenue: income from sales of alpine and nordic tickets and ski area passes; alpine and nordic ski school operations; gross revenue from ancillary facilities; the value of bartered goods and complimentary lift tickets (such as lift tickets provided free of charge to the holder's friends or relatives); and special event revenue. Discriminatory pricing is not allowed, but if it occurs, include the amount that would have been received had the discriminatory pricing transaction been made at the market price.

b. Exclude from revenue: income from sales of operating equipment; refunds; rent paid to the holder by subholders; sponsor contributions to special events; any amount attributable to employee gratuities or employee lift tickets; discounts; ski area tickets or passes provided for a public safety or public service purpose (such as for National Ski Patrol or for volunteers to assist on the slope in the Special Olympics); and other goods or services (except for bartered goods and complimentary lift tickets) for which the holder does not receive money.

c. Calculate AGR by summing the revenue from lift tickets and ski school operations prorated for use of National Forest System lands and from ancillary facility operations conducted on National Forest System lands.

d. Include the following in AGR:

(1) Revenue from sales of year-round alpine and nordic ski area passes and tickets and revenue from alpine and nordic ski school operations prorated according to the percentage of use between National Forest System lands and private land in the ski area;

(2) Gross year-round revenue from ancillary facilities located on National Forest System lands;

(3) The value of bartered goods and complimentary lift tickets. Include the market price value of bartered goods and complimentary lift tickets (except for employee gratuities, employee lift tickets, and discounts, and except for ski area tickets and passes provided for a public safety or public service purpose) in the AGR formula as revenue under LT, SS, or GRAF, depending on the type of goods, services, or privileges donated or bartered; and

(4) Special event revenue from events such as food festivals, foot races, and concerts. Include special event revenue in the AGR formula as revenue under LT, SS, or GRAF, as applicable. Prorate revenue according to the percentage of use between National Forest System lands and private land as described in section 38.11 and as indicated in the following paragraphs 5 and 6.

3. *LT* is the revenue from sales of alpine and nordic lift tickets and passes purchased for the purpose of using a ski area during any time of the year.

4. *SS* is the revenue from lessons provided to teach alpine or nordic skiing or other winter sports activities, such as racing, snowboarding, or snowshoeing.

5. *Proration* % is the method used to prorate revenue from the sale of ski area passes and lift tickets and revenue from ski school operations between National Forest System lands and private land in the ski area. Separately prorate alpine and nordic revenue with an appropriate proration factor. Add prorated revenues together; then sum them with GRAF to arrive at AGR. Use one or both of the following methods, as appropriate:

a. *STFP* is the method used to prorate alpine revenue. Follow the direction for STFP contained in FSM 2715.11c. Include in the calculation only uphill devices (lifts, tows, and tramways) that are fundamental to the winter sports operation (usually those located on both Federal and private land). Do not include people movers whose primary purpose is to shuttle people between parking areas or between parking areas and lodges and offices.

b. *Nordic trail length* is the method used to prorate nordic revenue. Use the percentage of trail length on National Forest System lands to total trail length. To calculate the percentage, divide the length of nordic trails on National Forest System lands by the total length of ski area nordic trails.

6. *GRAF* is the revenue from ancillary facilities, including all of the holder's or subholder's lodging, food service, rental shops, parking, and other ancillary operations located on National Forest System lands. For facilities that are partially located on National Forest System lands, calculate the ratio of the facility square footage located on National Forest System lands to the total facility square footage. Prorate special event revenue allocatable to GRAF pursuant to paragraphs 2d (2) through 2d (4) of this section by the ratio of the use on National Forest System lands to the total use.

38.13—Permit Fee If There Is No Adjusted Gross Revenue. In cases when a ski area permit holder has no adjusted gross revenue (AGR) for a given fiscal year, charge the holder a permit fee of $2 per acre for National Forest System lands under permit or a percentage of the appraised value of National Forest System lands under permit (sec. 31.1), at the discretion of the authorized officer.

When there is minimal use of National Forest System lands under permit, especially when prorated revenues from alpine and nordic uses are zero, authorized officers should consider whether to issue such ski area permits under an authority other than the Ski Area Permit Act.

38.2—Payments.

1. In accordance with the terms of the permit, holders are required to:

a. Calculate and submit advance, interim, and final payments;

b. Submit financial documents that support fee calculations; and

c. Submit permit fee information on Form FS–2700–19a annually to the authorized officer.

2. When the permit fee is expected to exceed $10,000 per year, the permit shall require monthly payments. If the permit fee is expected to be $10,000 or less, quarterly payments are required during months of operation.

3. Holders submit payments without billing by the Forest Service. Holders that fail to make payments in accordance with the terms of the permit are in violation of the permit and the authorized officer shall so notify them. Assess late payment charges, including interest, penalties, and administrative costs, in accordance with the Federal Claims Collection Act of 1966, as amended by the Debt Collection Act of 1982 (31 U.S.C. 3701–3719) when the required payment is not made on time (FSH 6509.11h, Service-Wide Claim Management Handbook, ch. 20).

38.21—Advance Payments. Holders are required to make advance payments due by the beginning of the holder's fiscal year or by another payment cycle in accordance with the permit. Credit the advance payment toward the total ski area permit fee due at the end of the payment cycle, in accordance with the permit.

1. Base the advance payment on 20 percent of the holder's average fee for 3 previous operating years when applicable.

2. Base the advance payment for new holders of an existing ski area permit on 20 percent of the prior holder's average fee.

3. For new areas:

a. Establish the advance payment for new areas as 20 percent of the permit fee, based on projected AGR, or

b. For ski areas not expected to generate AGR for a given fiscal year, require advance payment of the permit fee as calculated according to the procedures in section 38.13 ($2 per acre or a percentage of the appraised value of the National Forest System land under permit). If the ski area reports AGR for that fiscal year, credit the permit fee paid under provisions of section 38.13 toward the permit fee calculated according to the ski area permit fee formula in section 38.12.

38.22—Interim Payments. To keep permit fees current with use, require interim payments. Credit interim payments toward the total ski area permit fee due at the end of the payment cycle, in accordance with the permit. Base interim payments on a tentative percentage rate and monthly or quarterly sales. Interim payments are due 30 days after the end of each month, if payments are made monthly; or 30 days after the end of each holder's fiscal year quarter, if payments are made quarterly.

38.23—Final Payments. Reconcile payments made in the current payment cycle against the total ski area permit fee due at the end of the payment cycle, in accordance with the permit. The final payment is due 90 days after the close of the holder's fiscal year, or under another payment cycle in accordance with the permit. The holder is required to submit final payments with supporting financial documents, including permit fee information on Form FS–2700–19a, as provided in the permit.

38.3—Permits Subject to Fee Systems Other Than System Established by 16 U.S.C. 497c. For ski areas authorized by the Organic Act of 1897 and Term Permit Act of 1915 that do not elect the ski area permit fee system established by 16 U.S.C. 497c, continue to assess fees in the manner prescribed in the existing permit. When a new permit is issued under the Ski Area Permit Act or if the holder elects the permit fee established by 16 U.S.C. 497c, calculate the permit fee as set forth in section 38.12 or 38.13.

38.4—Transition From Prior Permit Fee Systems. The ski area permit fee system established by 16 U.S.C. 497c is effective as of June 1, 1996, and covers receipts retroactively to June 1, 1995. The authorized officer shall determine revenues attributable to the graduated rate fee system (GRFS) for the holder's fiscal year 1996 that began prior to June 1, 1995. Any permit fees prepaid under GRFS for any holder's fiscal year in which the ski area permit fee system established by 16 U.S.C. 497c is in effect shall be reconciled by the authorized officer against the permit fee calculated under the latter system. For the purpose of implementing 16 U.S.C. 497c, do not require a change in the holder's fiscal year or payment schedule.

38.41—Permit Fee Floor. The purpose of the permit fee floor is to ensure increasing permit fees to the United States during the transition from the graduated rate fee system to the ski area permit fee system established by 16 U.S.C. 497c.

1. The permit fees due for the holder's fiscal years 1996, 1997, and 1998 are, respectively:

a. Either the permit fee paid in the base year (fiscal year 1995) or the permit fee calculated under sections 38.12 or 38.13, and 38.42, whichever is higher for the holder's fiscal year 1996;

b. Either the permit fee paid for the base year (fiscal year 1995) or the permit fee calculated under sections 38.12 or 38.13, and 38.42, whichever is higher for the holder's fiscal year 1997; or

c. Either the permit fee paid for the base year (fiscal year 1995) or the permit fee calculated under sections 38.12 or 38.13, and 38.42, whichever is higher for the holder's fiscal year 1998;

2. Except that if a holder's AGR for fiscal years 1996, 1997, or 1998 falls more than 10 percent below the AGR for the base year (fiscal year 1995), the permit fee paid shall be the permit fee calculated under section 38.12 or 38.13. Compare the holder's AGR for the base year, as computed under section 38.12 or 38.13, against the holder's AGR for the transition years.

38.42—Permit Fee Phase-In. The fee system established by 16 U.S.C. 497c provides for a phase-in of fees during

the first five years the system is in effect when the permit fee calculated according to direction in section 38.12 or 38.13 for the holder's fiscal year 1996 results in an increase in the permit fee greater than 0.5 of one percent of the holder's AGR. In such cases, the increase in fees above the base year is phased in over a 5-year period. By the holder's fiscal year 2001, calculate all permit fees under section 38.12 or 38.13. For fiscal years 1996 through 2000, phase in that portion of the permit fee that exceeds the base fee (the fee paid in fiscal year 1995), beginning with the holder's fiscal year 1996. If the phase-in applies, calculate the permit fee according to the fee schedule in exhibit 01.

38.42—Exhibit 01. 5-Year Phase-In of Ski Area Permit Fee Under 16 U.S.C. 497c

1. 1996 Permit Fee = FY 1995 fee + .2 × (FY 1996 fee – FY 1995 fee)
2. 1997 Permit Fee = FY 1995 fee + .4 × (FY 1997 fee – FY 1995 fee)
3. 1998 Permit Fee = FY 1995 fee + .6 × (FY 1998 fee – FY 1995 fee)
4. 1999 Permit Fee = FY 1995 fee + .8 × (FY 1999 fee – FY 1995 fee)
5. 2000 Permit Fee = FY 1995 fee + 1.0 × (FY 2000 fee – FY 1995 fee)

1. The FY 1995 fee is the permit fee paid in the holder's fiscal year 1995 (usually under GRFS).

2. The FY 1996 fee is the permit fee calculated under section 38.12 or 38.13 that would be due if phase-in were not applicable, and so on for the FY 1997–2000 fees.

3. During fiscal years 1997 and 1998, if there is no increase in the permit fee calculated under the fee formula in section 38.12 or 38.13 over the base fee (fiscal year 1995), establish the permit fee paid as the permit fee paid for fiscal year 1995. However, if a holder's AGR for fiscal years 1997 or 1998 falls more than 10 percent below the AGR for the base year (fiscal year 1995), the permit fee paid shall be the permit fee calculated under section 38.12 or 38.13. Compare the holder's AGR for the base year, as computed under section 38.12 or 38.13, against the holder's AGR for the transition years.

4. During fiscal years 1999 and 2000, if there is no increase in the permit fee calculated under the fee formula in section 38.12 or 38.13 over the base fee (fiscal year 1995), establish the permit fee paid as the fee calculated under section 38.12 or 38.13.

38.43—Applicability of Ski Area Permit Fee System Provisions Established by 16 U.S.C. 497c During Transition From Previous Permit Fee Systems to the Permit Fee System Established by 16 U.S.C. 497c. Follow direction set out in sections 38.43a through 38.43c when applying transition provisions (sec. 38.4 through 38.42) of the ski area permit fee system established by 16 U.S.C. 497c.

38.43a—Permits Issued Under National Forest Ski Area Permit Act of 1986 On or Before June 1, 1996. Ski areas authorized under the Ski Area Permit Act of 1986 on or before June 1, 1996 are subject to the fee system established by 16 U.S.C. 497c. Amend the holder's permit by replacing the fee provisions in clause VI of the permit with the clause that implements the fee system in section 38.12. See chapter 50 for the appropriate clause. Apply transition provisions (sec. 38.4 through 38.42) of 16 U.S.C. 497c.

38.43b—Permits Issued Under National Forest Ski Area Permit Act of 1986 After June 1, 1996. Ski areas authorized under the Ski Area Permit Act of 1986 after June 1, 1996 are subject to the fee system established by 16 U.S.C. 497c. Amend the holder's permit by replacing the fee provisions in clause VI of the permit with the clause that implements the fee system in section 38.12. See chapter 50 for the appropriate clause.

1. When a permit is issued to the existing holder upon expiration of the current permit, or to the existing holder of a permit converted from a permit issued under the Organic Act of 1897 or the Term Permit Act of 1915, the following direction applies:

a. Holders of permits may elect the transition provisions on or before May 27, 1999 (90 days following the effective date of the ski area permit fee system directive issued in Amendment 2709.11–99–2). The permit fee system established by 16 U.S.C. 497c would apply retroactively to these permits. Apply transition provisions (sec. 38.4 through 38.42).

b. For holders that do not elect the transition provisions on or before May 27, 1999 (90 days following the effective date of the ski area permit fee system directive issued in Amendment 2709.11–99–2), the permit fee system established by 16 U.S.C. 497c would apply from the date the permit is issued. The phase-in or other transition provisions are not available to these holders. The permit fee system (sec. 38.12) is effective on the date of permit issuance. Do not apply transition provisions (sec. 38.4 through 38.42.)

c. Permits that are issued after May 27, 1999 (90 days following the effective date of the ski area permit fee system directive issued in Amendment 2709.11–99–2) are not subject to the transition provisions for the permit fee system. The phase-in or other transition provisions are not available to these holders. The permit fee system (sec. 38.12) is effective on the date of permit issuance. Do not apply transition provisions (sec. 38.4 through 38.42.)

2. When a permit is issued to a new owner of improvements at an existing ski area or to an owner of improvements at a new ski area, the phase-in or other transition provisions are not available to these holders. The permit fee system (sec. 38.12) is effective on the date of permit issuance. Do not apply transition provisions (sec. 38.4 through 38.42.)

38.43c—Permits Issued Under Organic Act of 1987 and Term Permit Act of 1915. Ski areas authorized under the Organic Act of 1897 or the Term Permit Act of 1915 may elect the permit fee system established by 16 U.S.C. 497c. Amend such permits by replacing the fee provisions in clause VI of the permit with the clause that implements the fee system in section 38.12. See chapter 50 for the appropriate clause.

1. Holders of permits that elect the permit fee system established by 16 U.S.C. 497c on or before May 27, 1999 (90 days following the effective date of the ski area permit fee system directive issued in Amendment 2709.11–99–2), are subject to the transition provisions for the permit fee system (sec. 38.4 through 38.42).

2. Holders that elect the permit fee system established by 16 U.S.C. 497c after May 27, 1999 (90 days following the effective date of the ski area permit fee system directive issued in Amendment 2709.11–99–2), are subject to the permit fee system established by 16 U.S.C. 497c in the holder's fiscal year following amendment of the permit to reflect coverage under this permit fee system (sec. 38.12). The phase-in or other transition provisions are not available to these holders.

Forest Service Handbook 2709.11—Special Uses Management Handbook

Chapter 50—Terms and Conditions.
Section 52.1—A Clauses—Fees and Payments.

A–9. Ski Area Permit Fees. The Forest Service shall adjust and calculate permit fees authorized by this permit to reflect any revisions to permit fee provisions in 16 U.S.C. 497c or to comply with any new permit fee system based on fair market value that may be adopted by statute or otherwise after issuance of this permit.

A. *Fee Calculation.* The annual fee due the United States for the activities authorized by this permit shall be calculated using the following formula:

SAPF = (.015 × AGR in bracket 1) + (.025 × AGR in bracket 2) + (.0275 × AGR in bracket 3) + (.04 × AGR in bracket 4)

Where:

AGR = [(LT + SS) × (proration %)] + GRAF

AGR is adjusted gross revenue;

LT is revenue from sales of alpine and nordic lift tickets and passes;

GRAF is gross year-round revenue from ancillary facilities;

Proration % is the factor to apportion revenue attributable to use of National Forest System lands;

SAPF is the ski area permit fee for use of National Forest System lands; and

SS is revenue from alpine and nordic ski school operations.

1. *SAPF* shall be calculated by summing the results of multiplying the indicated percentage rates by the amount of the holder's adjusted gross revenue (AGR), which falls into each of the four brackets. Follow direction in paragraph 2 to determine AGR. The permit fee shall be calculated based on the holder's fiscal year, unless mutually agreed otherwise by the holder and the authorized officer.

The four revenue brackets shall be adjusted annually by the consumer price index issued in FSH 2709.11, chapter 30. The revenue brackets shall be indexed for the previous calendar year. The holder's AGR for any fiscal year shall not be split into more than one set of indexed brackets. When adjusting brackets, round the fees to the nearest thousand dollars (for example, round up to $1,000 from $500.00 and round down to $0 from $499.99). Only the levels of AGR defined in each bracket are updated annually. The percentage rates do not change.

The revenue brackets and percentages displayed in Exhibit 01 shall be used as shown in the preceding formula to calculate the permit fee.

EXHIBIT 01—ADJUSTED GROSS REVENUE (AGR) BRACKETS AND ASSOCIATED PERCENTAGE RATES FOR USE IN DETERMINING SKI AREA PERMIT FEE (SAPF)

[Revenue Brackets (updated annually by CPI*) and Percentage Rates]

Holder FY	Bracket 1 (1.5%)	Bracket 2 (2.5%)	Bracket 3 (2.75%)	Bracket 4 (4%)
FY 1996 CPI: N/A	All revenue below $3,000,000.	$3,000,000 to $15,000,000	$15,000,000 to $50,000,000.	All revenue over $50,000,000.
FY 1997 CPI: 1.030	All revenue below $3,090,000.	$3,090,000 to $15,450,000	$15,450,000 to $51,500,000.	All revenue over $51,500,000.
FY 1998 CPI: 1.022	All revenue below $3,158,000.	$3,158,000 to $15,790,000	$15,790,000 to $52,633,000.	All revenue over $52,633,000.
FY 1999 CPI: 1.017	All revenue below $3,212,000.	$3,212,000 to $16,058,000	$16,058,000 to $53,528,000.	All revenue over $53,528,000.
FY 2000 and beyond	BRACKETS WILL BE UPDATED ANNUALLY BY CPI*			

*The authorized officer shall notify the holder of the updated revenue brackets based on the Consumer Price Index (CPI) which is revised and issued annually in FSH 2709.11, chapter 30.

2. *AGR* shall be calculated by summing the revenue from lift tickets and ski school operations prorated for use of National Forest System lands and from ancillary facility operations conducted on National Forest System lands.

Revenue inclusions shall be income from sales of alpine and nordic tickets and ski area passes; alpine and nordic ski school operations; gross revenue from ancillary facilities; the value of bartered goods and complimentary lift tickets (such as lift tickets provided free of charge to the holder's friends or relatives); and special event revenue. Discriminatory pricing, a rate based solely on race, color, religion, sex, national origin, age, disability, or place of residence, is not allowed, but if it occurs, include the amount that would have been received had the discriminatory pricing transaction been made at the market price, the price generally available to an informed public, excluding special promotions.

Revenue exclusions shall be income from sales of operating equipment; refunds; rent paid to the holder by subholders; sponsor contributions to special events; any amount attributable to employee gratuities or employee lift tickets; discounts; ski area tickets or passes provided for a public safety or public service purpose (such as for National Ski Patrol or for volunteers to assist on the slope in the Special Olympics); and other goods or services (except for bartered goods and complimentary lift tickets) for which the holder does not receive money.

Include the following in AGR:

a. Revenue from sales of year-round alpine and nordic ski area passes and tickets and revenue from alpine and nordic ski school operations prorated according to the percentage of use between National Forest System lands and private land in the ski area;

b. Gross year-round revenue from temporary and permanent ancillary facilities located on National Forest System lands;

c. The value of bartered goods and complimentary lift tickets, which are goods, services, or privileges that are not available to the general public (except for employee gratuities, employee lift tickets, and discounts, and except for ski area tickets and passes provided for a public safety or public service purpose) and that are donated or provided without charge in exchange for something of value to organizations or individuals (for example, ski area product discounts, service discounts, or lift tickets that are provided free of charge in exchange for advertising).

Bartered goods and complimentary lift tickets (except for employee gratuities, employee lift tickets, discounts, and except for ski area tickets and passes provided for a public safety or public service purpose) valued at market price shall be included in the AGR formula as revenue under LT, SS, or GRAF, depending on the type of goods, services, or privileges donated or bartered; and

d. Special event revenue from events, such as food festivals, foot races, and concerts. Special event revenue shall be included in the AGR formula as revenue under LT, SS, or GRAF, as applicable. Prorate revenue according to the percentage of use between National Forest System lands and private land as described in the following paragraphs 5 and 6.

3. *LT* is the revenue from sales of alpine and nordic lift tickets and passes purchased for the purpose of using a ski area during any time of the year,

including revenue that is generated on private land (such as from tickets sold on private land).

4. *SS* is the revenue from lessons provided to teach alpine or nordic skiing or other winter sports activities, such as racing, snowboarding, or snowshoeing, including revenue that is generated on private land (such as from tickets sold on private land).

5. *Proration %* is the method used to prorate revenue from the sale of ski area passes and lift tickets and revenue from ski school operations between National Forest System lands and private land in the ski area. Separately prorate alpine and nordic revenue with an appropriate proration factor. Add prorated revenues together; then sum them with GRAF to arrive at AGR. Use one or both of the following methods, as appropriate:

a. *STFP* shall be the method used to prorate alpine revenue. This STFP direction is identical to the direction issued at FSM 2715.11c in 1992; pursuant to the Omnibus Parks and Public Lands Management Act of 1996, the STFP method shall not be changed from the 1992 direction. Include in the calculation only uphill devices (lifts, tows, and tramways) that are fundamental to the winter sports operation (usually those located on both Federal and private land). Do not include people movers whose primary purpose is to shuttle people between parking areas or between parking areas and lodges and offices.

b. *Nordic trail length* is the method used to prorate nordic revenue. Use the percentage of trail length on National Forest System lands to total trail length.

6. *GRAF* is the revenue from ancillary facilities, including all of the holder's or subholder's lodging, food service, rental shops, parking, and other ancillary operations located on National Forest System lands. Do not include revenue that is generated on private land. For facilities that are partially located on National Forest System lands, calculate the ratio of the facility square footage located on National Forest System lands to the total facility square footage. Special event revenue allocatable to GRAF shall be prorated by the ratio of use on National Forest System lands to the total use.

7. In cases when the holder has no AGR for a given fiscal year, the holder shall pay a permit fee of $2 per acre for National Forest System lands under permit or a percentage of the appraised value of National Forest System lands under permit, at the discretion of the authorized officer.

B. *Fee Payments.* Reports and deposits shall be tendered in accordance with the following schedule. They shall be sent or delivered to the collection officer, USDA, Forest Service, at the address furnished by the authorized officer. Checks or money orders shall be made payable to: USDA, Forest Service.

1. The holder shall calculate and submit an advance payment which is due by the beginning of the holder's payment cycle. The advance payment shall equal 20 percent of the holder's average permit fee for 3 operating years, when available. When past permit fee information is not available, the advance payment shall equal 20 percent of the permit fee, based on the prior holder's average fee or projected AGR. For ski areas not expected to generate AGR for a given payment cycle, advance payment of the permit fee as calculated in item A, paragraph 7 ($2 per acre for National Forest System lands under permit or a percentage of the appraised value of National Forest System lands under permit, at the discretion of the authorized officer) shall be made. The advance payment shall be credited (item B, paragraph 3) toward the total ski area permit fee for the payment cycle.

2. The holder shall report sales, calculate fees due based on a tentative percentage rate, and make interim payments each calendar [MONTH, QUARTER, or YEAR], except for periods in which no sales take place and the holder has notified the authorized officer that the operation has entered a seasonal shutdown for a specific period. Reports and payments shall be made by the end of the month following the end of each reportable period. Interim payments shall be credited (item B, paragraph 3) toward the total ski area permit fee for the payment cycle.

3. Within 90 days after the close of the ski area's payment cycle, the holder shall provide a financial statement, including a completed permit fee information form, Form FS–2700–19a, representing the ski area's financial condition at the close of its business year and an annual operating statement reporting the results of operations, including a final payment which includes year-end adjustments for the holder and each subholder for the same period. Any balance that exists may be credited and applied against the next payment due or refunded, at the discretion of the permit holder.

4. Within 30 days of receipt of a statement from the Forest Service, the holder shall make any additional payment required to ensure that the correct ski area permit fee is paid for the past year's operation.

5. Payments shall be credited on the date received by the designated collection officer. If the due date for the fee or fee calculation financial statement falls on a non-workday, the charges shall not accrue until the close of business on the next workday.

6. All permit fee calculations and records of sales are subject to review or periodic audit as determined by the authorized officer. Errors in calculation or payment shall be corrected as needed for conformance with those reviews or audits. In accordance with the *Interest and Penalties* clause contained in this authorization, interest and penalties shall be assessed on additional fees due as a result of reviews or audits.

7. Correction of errors includes any action necessary to calculate the holder's sales or slope transport fee percentage or to make any other determination required to calculate permit fees accurately. For fee calculation purposes, an error may include:

a. Misreporting or misrepresentation of amounts;

b. Arithmetic mistakes;

c. Typographic mistakes; or

d. Variation from generally accepted accounting principles (GAAP), when such variations are inconsistent with the terms of this permit.

Correction of errors shall be made retroactively to the date the error was made or to the previous audit period, whichever is more recent, and past fees shall be adjusted accordingly.

[FR Doc. 99–4294 Filed 2–19–99; 8:45 am]

BILLING CODE 3410–11–P

federal register

Monday
February 22, 1999

Part IV

Department of Housing and Urban Development

Community Development Block Grant Program for Indian Tribes and Alaska Native Villages Fiscal Year 1999 Funding Availability; Notice

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

[Docket No. FR–4406–N–01]

Community Development Block Grant Program for Indian Tribes and Alaska Native Villages Fiscal Year 1999 Notice of Funding Availability

AGENCY: Office of the Assistant Secretary for Public and Indian Housing, HUD.

ACTION: Notice of Funding Availability for Fiscal Year 1999.

SUMMARY: This notice announces the availability of $68,305,105 for the Community Development Block Grant Program for Indian Tribes and Alaska Native Villages (ICDBG Program). This figure consists of $67,000,000 in fiscal year 1999 funds and $1,305,105 in fiscal year 1998 carryover funds. The primary objective of this program is the development of viable Indian and Alaska Native communities, including the creation of decent housing, suitable living environments, and economic opportunities. The program is targeted principally towards people with low and moderate incomes. This Notice of Funding Availability (NOFA) contains the following information: (a) The purpose of the NOFA; (b) Information regarding eligibility and available amounts; (c) A list of steps involved in the application process, including where and how to apply and what to submit; (d) A checklist of the exhibits required for the application process; and (e) A description of how applications are processed, including the selection process and the selection criteria.

APPLICATION DUE DATE: You (the applicant) must submit your completed application no later than 5:00 p.m., local time, on May 10, 1999 to one of the addresses shown below. See below for specific procedures covering the method of application submission (e.g., mailed applications, express mail, overnight delivery, or hand carried).

Mailed Applications. We (HUD) will consider your application to be timely filed if it is postmarked on or before 12:00 midnight on the application due date and received by the appropriate Area ONAP within ten (10) days after the application due date.

Applications Sent By Overnight/Express Delivery. If you send your application by overnight delivery or express mail, we will consider it to be timely filed if we receive it before or on the application due date, or if you submit documentary evidence that you placed your application in transit with the overnight delivery service by no later than the specified application due date and we receive it within five (5) days of the application due date.

Hand Carried Applications. You may hand carry your application to the appropriate Area ONAP during normal business hours before the application due date. On the application due date, we will accept applications until 5:00 p.m., local time.

ADDRESSES FOR SUBMITTING APPLICATIONS

If you are applying from this geographic location then	Send your application to this area ONAP
All States East of the Mississippi River, Plus Iowa and Minnesota.	Eastern/Woodlands Office of Native American Programs Community Development and Tribal Relations (CD & TR) Staff, 77 West Jackson Blvd., Chicago, IL 60604–3507, Telephone: (312) 886–4532, Ext. 2815.
Louisiana, Kansas, Oklahoma, and Texas, except West Texas.	Southern Plains Office of Native American Programs CD & TR Staff, Suite 400, 500 W. Main Street, Oklahoma City, OK 73102–3202, Telephone: (405) 553–7525.
Colorado, Montana, Nebraska, North Dakota, South Dakota, Utah, and Wyoming.	Northern Plains Office of Native American Programs CD & TR Staff, First Interstate Tower North, 633 17th Street, Denver, CO 80202–3607, Telephone: (303) 672–5457.
Arizona, California, and Nevada.	Southwest Office of Native American Programs CD & TR Staff, Two Arizona Center, Suite 1650, 400 N. Fifth Street, Phoenix, AZ 85004–2361, Telephone: (602) 379–4197.
New Mexico and West Texas.	Southwest Office of Native American Programs CD & TR Specialist, Albuquerque Plaza, 201 3rd Street N.W., Suite 1830, Albuquerque, NM 87102–3368, Telephone: (505) 766–1372.
Idaho, Oregon, Washington.	Northwest Office of Native American Programs CD & TR Staff, Federal Office Building, 909 First Avenue, Suite 200, Seattle, WA 98104–1000, Telephone: (206) 220–5271.

ADDRESSES FOR SUBMITTING APPLICATIONS—Continued

If you are applying from this geographic location then	Send your application to this area ONAP
Alaska	As noted in Section I.(C)(4) of this NOFA, we will use FY 1999 ICDBG funds, allocated to the Alaska Area ONAP, to fund the highest rated applications received by that office from FY 1998. We will not accept new applications for FY 1999.

FURTHER INFORMATION, APPLICATION KITS, AND TECHNICAL ASSISTANCE:

For Further Information. You should direct general program questions to the Area ONAP serving your area, or to Robert Barth, Office of Native American Programs, Office of Public and Indian Housing, Department of Housing and Urban Development, P.O. Box 36003, 450 Golden Gate Avenue, San Francisco, CA 94102; telephone (415) 436–8122. The TTY number is (415) 436–6594. (These are not toll-free numbers.)

For Application Kits. You may obtain an application kit from the Area ONAPs identified above. You should make your request for an application kit immediately to ensure sufficient time for application preparation. We will distribute application kits as soon as they become available.

For Technical Assistance. Before the application deadline, we will be available to provide you with general guidance. We cannot, however, provide you with guidance on the actual contents of your application. If applicable, after selection but before award, we will be available to assist you in clarifying or confirming information that is required to address a pre-award requirement or condition.

SUPPLEMENTARY INFORMATION:

Changes From FY 1998 NOFA

1. *Deadline for Submission of Hand Carried Applications.* We have changed the deadline for submitting hand carried applications from 6:00 p.m., local time, to 5:00 p.m., local time. Based on our experience in FY 1998, there is no need to extend normal business hours for acceptance of applications.

2. *Grant Ceilings—Southwest ONAP.* We have not changed the grant ceilings for the Southwest ONAP. We have, however, clarified the process used to correct or revise population levels upon which the grant ceiling is based.

3. *Application Components.* We have clarified the status of two application

components. First, we now indicate that, if applicable, a demographic data certification (along with supporting documentation) is an application component. We referenced this certification in the FY 1998 NOFA, however, it was not identified as an application component. Second, we now indicate that a concurring resolution is an application component, if it is part of an application submitted by a tribal organization, as defined in 24 CFR 1003.5(b), and submitted on behalf of a tribe, band, group, or nation. Please note that both of these items were identified in the FY 1998 ICDBG Application Kit as possible application components. They were not, however, identified as such in the FY 1998 NOFA. These clarifications make the FY 1999 NOFA and Application Kits consistent in this regard.

4. *Application Review Process—Threshold Review.* We have clarified that projects that do not meet the community development appropriateness or applicable project-specific thresholds will not be rated or ranked. In addition, we have removed references to the term ''RADAR'' (Risk Analysis for Determining the Allocation of Resources) from the discussion of performance threshold reviews. We did this because we are ending the use of this term in the risk analysis process used by the Area ONAPs.

5. *Correction of Technically Deficient Applications and Provision of Clarifying Information.* We have changed the processes used by Area ONAPs that allow you to provide corrections to technically deficient applications and allow us to request clarifying information from you. As we have indicated in this NOFA, a technical deficiency is an error or oversight that, if corrected, would not alter, either in a positive or negative fashion, the review and rating of an application. In FY 1998, we reviewed all applications that successfully passed the screening process for technical deficiencies. If we found any such deficiencies, we contacted each applicant, in writing and before rating the application, and gave them an opportunity to correct the deficiencies. Because, in most Area ONAPs, we can approve only a relatively small percentage of submitted applications (given the limited availability of funds), this process resulted in applicant and our staff time being spent, too often, on explaining or addressing technical deficiencies for applications that would not have rated high enough to be approved. In FY 1999, we will review all applications that pass screening for technical deficiencies, but will ask only successful applicants to correct any deficiencies. The deficiencies must be corrected before the grant is awarded.

In addition, we have changed what in FY 1998 was called ''supplemental information'' to ''clarifying information'' in FY 1999. The purpose of this change is to better explain that such information, if requested by us, cannot affect the rating of an application. Finally, we have streamlined the process used for obtaining such information.

6. *Land to Support New Housing.* We have clarified and revised the first threshold requirement for this type of project. We have also provided an example of the type of documentation needed to establish that there would be a reasonable ratio between the number of net usable acres to be acquired and documented housing needs. In addition, we have identified a corollary consideration under this threshold: the need for the applicant to make the most effective and economic use of the land to be acquired.

7. *New Housing Construction.* We have modified the site acceptability rating criterion to provide an option to the requirement that the land upon which the houses would be built must be in trust (or must be taken into trust).

8. *Community Facilities Rating Factors.* The rating factor ''A viable plan for maintenance and operation'' which is similar for both infrastructure and buildings has been revised. It is now stated that if an entity other than the tribe commits for maintenance and operation of the proposed facility and this entity is an established organization or agency, its letter of commitment does not have to document its financial ability to assume these responsibilities; the financial ability of such entities to meet the commitments made will be assumed.

9. *Documentation Requirements for Leveraged Resources.* We have clarified under paragraph (2)(b) of that section that the letter from the contributing entity must identify the project and the amount of funds requested from the entity by the applicant.

10. *Editorial and Formatting Revisions.* In addition to the changes discussed above, we have made a number of non-substantive technical changes to the FY 1998 NOFA. These editorial and formatting changes should make the NOFA easier to understand.

Promoting Comprehensive Approaches to Housing and Community Development

HUD is interested in promoting and supporting comprehensive, coordinated approaches to housing and community development. Economic development, community development, public housing revitalization, homeownership, assisted housing for special needs populations, supportive services, and welfare-to-work initiatives can work better if linked at the local level. Consistent with this effort, you must demonstrate that housing category projects are consistent with, and where possible, are identified in, the Indian Housing Plan (IHP) submitted by, or on behalf of, you under the provisions of the Native American Housing Assistance and Self-Determination Act of 1996 (25 U.S.C. 4101 *et seq.*). If you have not submitted the IHP for the Indian Housing Block Grant (IHBG) program year that includes the implementation period for the proposed ICDBG funded activity by the ICDBG application due date, you must submit an assurance that if an IHP is submitted, it will specifically reference the proposed housing category project.

Table of Contents

I. Authority; Purpose; Amounts Allocated; and Eligibility.
(A) Authority.
(B) Purpose.
(C) Amounts Allocated.
(D) Eligible Applicants.
(E) Eligible Activities.
II. Program Requirements.
(A) Statutory and Regulatory Requirements.
(B) Nondiscrimination and Compliance with Civil Rights Laws.
(C) Relocation.
(D) Debarred and Suspended Contractors.
(E) Indian Preference.
(F) Conflict of Interest.
(G) Certifications and Assurances.
(H) Economic Opportunities for Low and Very Low Income Persons.
III. Application Selection Process.
(A) Rating and Ranking.
(B) Factors for Award Used to Evaluate and Rate Applications.
IV. Application Submission Requirements and Checklist.
(A) General.
(B) Demographic data.
(C) Publication of Community Development Statement.
(D) Application Submission.
(E) Documentation requirements for point award for leveraged resources.
V. Clarifying Information.
VI. Correction of Technical Deficiencies.
VII. Errors and Appeals.
VIII. Findings and Certifications.
(A) Paperwork Reduction Act Statement.
(B) Environmental Impact.
(C) Recipient Compliance with Environmental Requirements.
(D) Federalism, Executive Order 12612.
(E) Prohibition Against Lobbying Activities.
(F) Section 102 of the HUD Reform Act—Documentation, Access and Disclosure.

(G) Section 103 of the HUD Reform Act—Prohibition of Advance Disclosure of Funding Decisions.
(H) Catalog of Federal Domestic Assistance Number.

Additional Information

I. Authority; Purpose; Amounts Allocated; and Eligibility

(A) *Authority.* Title I, Housing and Community Development Act of 1974, as amended (42 U.S.C. 5301, *et seq.*); 24 CFR part 1003; Departments of Veterans Affairs and Housing and Urban Development, and Independent Agencies Appropriations Act, 1999 (Pub. L. 105–276, 112 Stat. 2461, approved October 21, 1998) ($67,000,000 in fiscal year 1999 funds); and Departments of Veterans Affairs and Housing and Urban Development, and Independent Agencies Appropriations Act, 1998 (Pub. L. 105–65, 111 Stat. 1344, approved October 27, 1997) ($1,305,105 in fiscal year 1998 carryover funds).

(B) *Purpose.* This notice announces the availability of $68,305,105 for the ICDBG Program.

(C) *Amount Allocated.*

(1) *General.* Amendments to title I of the Housing and Community Development Act of 1974 have required that the allocation for Indian Tribes be awarded on a competitive basis in accordance with selection criteria contained in a regulation promulgated by the Secretary after notice and public comment. All grant funds awarded in accordance with this NOFA are subject to the requirements of 24 CFR part 1003. Applicants within an Area ONAP's geographic jurisdiction compete only against each other for that Area ONAP's allocation of funds.

(2) *Allocations.* The requirements for allocating funds to Area ONAPs responsible for program administration are found at 24 CFR 1003.101. Following these requirements, the allocations for FY 1999 are as follows:

Eastern/Woodland	$5,246,027
Southern Plains	12,414,912
Northern Plains	10,471,405
Southwest	28,565,024
Northwest	4,000,851
Alaska	5,606,886
Total	66,305,105

The total allocation includes $1,305,105 in unused funds from the amount reserved by the Assistant Secretary in Fiscal Year 1998 for imminent threat grants. As indicated in section I. (a)(4) below, $2,000,000 will be retained to fund imminent threat grants.

(3) *Grant Ceilings.* The authority to establish grant ceilings is found at 24 CFR 1003.100(b)(1). Grant ceilings are established for FY 1999 funding at the following levels:

Area ONAP	Population	Ceiling
Eastern/Woodlands	All	$400,000
Southern Plains	All	750,000
Northern Plains	All	800,000
Southwest	50,001+	5,000,000
	10,501–50,000	2,500,000
	7,501–10,500	2,000,000
	6,001–7,500	1,000,000
	1,501–6,000	750,000
	0–1,500	550,000
Northwest	All	335,000
Alaska	[See (4) below].	

For the Southwest Area ONAP jurisdiction, the population used to determine ceiling amounts is the Native American population that resides on a reservation or rancheria. Please contact that office before submitting your application if you are unsure of the population level to use to determine the ceiling amount for your tribe or if you believe that the level used for previous years needs to be revised or corrected. The Southwest ONAP must accept any corrections or revisions before you submit your application.

(4) *FY 1998 Funding process for the Alaska Area ONAP.*

As stated in the August 5, 1998, amendment to the FY 1998 ICDBG NOFA, the Alaska Area ONAP is using a biennial funding process for FY 1998 and FY 1999. Applicants prepared and submitted applications under the provisions of the FY 1998 NOFA. We screened, reviewed, and rated all applications under the provisions and requirements of that NOFA. After we completed rating the applications and developed a ranked list of projects, we made grant awards using FY 1998 allocated funds until these funds were exhausted. Our Alaska Area ONAP retained applications not funded.

We will use FY 1999 funds allocated to the Alaska Area ONAP for grant offers to those applicants with the highest ranking retained applications until these funds are exhausted. FY 1999 grant offers will be contingent upon the successful applicant providing to the Alaska Area ONAP within 30 days of the offer such supporting documentation as is required and confirming, in writing, that:

(a) You continue to meet performance threshold requirements;

(b) The project still meets all community development appropriateness and project specific threshold requirements; and

(c) No changes have occurred since you submitted your application that would affect the rating or viability of the project.

(5) *Imminent Threats.* (a) The criteria for grants to alleviate or remove imminent threats to health or safety that require an immediate solution are described at 24 CFR part 1003, subpart E. In order to satisfy these criteria, the problem to be addressed must be such that an emergency situation exists or would exist if the problem were not addressed. In addition, you may use funds provided under that subpart only to address imminent threats that are not of a recurring nature and that represent a unique and unusual circumstance that impacts an entire service area. In accordance with the provisions of 24 CFR part 1003, subpart E, we will retain $2,000,000 to meet the funding needs of imminent threat applications submitted to any of the Area ONAPs. The grant ceiling for imminent threat applications for FY 1999 is $350,000. We established this ceiling pursuant to the provisions of § 1003.400(c).

(b) You do not have to submit a request for assistance under the imminent threat set-aside (24 CFR 1003, subpart E) by the deadline established in this NOFA; the deadline applies only to applications submitted for assistance under 24 CFR 1003, subpart D, Single purpose grants.

(c) If, in response to a request for assistance, an Area ONAP issues you a letter to proceed under the authority of

§ 1003.401(a), then your application must be submitted to and approved by the Area ONAP before a grant agreement may be executed. This application must consist of the following components:

(i) Standard Form 424, Application for Federal Assistance;

(ii) Brief description of the proposed project;

(iii) Form HUD–4123, Cost Summary;

(iv) Form HUD–4125, Implementation Schedule;

(v) Form HUD–2880, Applicant/Recipient Disclosure/Update Report;

(vi) Form HUD–4126, Certifications;

(vii) Certification for a Drug-Free Workplace (form HUD 50070); and

(viii) Certification regarding lobbying activities (24 CFR part 87) and SF-LLL (if applicable).

(D) *Eligible Applicants.* (1) *General.* To apply for funding you must be eligible as an Indian Tribe (or as a tribal organization) by the application submission date.

(2) *Tribal Organizations.* Tribal organizations are permitted to submit applications under 24 CFR 1003.5(b) on behalf of eligible tribes when one or more eligible tribe(s) authorize the organization to do so under concurring resolutions. As is stated in this regulatory section, the tribal organization must itself be eligible under title I of the Indian Self-Determination and Education Assistance Act.

(3) *Successors to Eligible Entities.* If a tribe or tribal organization claims that it is a successor to an eligible entity, the Area ONAP must review the documentation to determine whether it is in fact the successor entity.

Please note: when used in this NOFA the word ''tribe'' means an Indian tribe, band, group or nation, including Alaska Indians, Aleuts, Eskimos, Alaska Native Villages, ANCSA Village Corporations, and Regional Corporations.

(E) *Eligible Activities.* Activities that are eligible for ICDBG funds are identified at 24 CFR part 1003, subpart C.

II. Program Requirements

(A) *Statutory and Regulatory Requirements.* All applicants must meet and comply with all statutory and regulatory requirements. Title I of the Housing and Community Development Act of 1974, as amended (42 U.S.C. 5301 *et seq.*) contains the applicable program specific statutory requirements for this program. The applicable program specific regulatory requirements are in 24 CFR part 1003. Copies of these regulations are available from HUD Community Connections Information Clearinghouse.

(B) *Nondiscrimination and Compliance with Civil Rights Laws.* Under the authority of section 107(e)(2) of the Housing and Community Development Act of 1974, as amended, the Secretary has waived the requirement that recipients comply with the anti-discrimination provisions in section 109 of the Act with respect to race, color and, national origin. As a recipient you must comply with the other prohibitions against discrimination in Section 109; the Indian Civil Rights Act (Title II of the Civil Rights Act of 1968, 24 U.S.C. 1001–1303); the Age Discrimination Act of 1975 (42 U.S.C. 6101–6107); and, Section 504 of the Rehabilitation Act of 1973 (29 U.S.C. 794). You must comply with the substantial rehabilitation and new construction requirements, in addition to the other requirements of 24 CFR part 8.

(C) *Relocation.* If your proposed activities involve the relocation or displacement of persons, the requirements of the Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970 and the government-wide implementing regulations at 49 CFR part 24 apply to funding under this NOFA.

(D) *Debarred or Suspended Contractors.* The provisions of 24 CFR part 24 apply to the employment, engagement of services, awarding of contracts, subgrants, or funding of any recipients, contractors, or subcontractors, during any period of debarment, suspension, or placement in ineligibility status.

(E) *Indian Preference.* HUD has determined that programs funded under this NOFA are subject to section 7(b) of the Indian Self-Determination and Education Assistance Act (25 U.S.C. 450b). The provisions and requirements for implementing this section are in 24 CFR 1003.510.

(F) *Conflict of Interest.* In addition to the conflict of interest requirements with respect to procurement transactions found in 24 CFR 85.36 and 84.42, as applicable, the provisions of 24 CFR 1003.606 apply to such activities as the provision of assistance by the recipient or sub-recipients to businesses, individuals, and other private entities under eligible activities that authorize such assistance.

(G) *Certifications and Assurances.* The specific certifications and assurances that you must provide are included under section IV. of this NOFA.

(H) *Economic Opportunities for Low and Very Low Income Persons.* You must comply with section 3 of the Housing and Urban Development Act of 1968 (12 U.S.C. 1701u) (Employment Opportunities for Lower Income Persons in Connection with Assisted Projects) and its implementing regulations at 24 CFR part 135. You must ensure that training, employment and other economic opportunities are directed, to the greatest extent feasible, toward low and very low income persons, particularly those persons who receive government assistance for housing and to business concerns that provide economic opportunities to low and very low income persons. You must comply with the reporting and recordkeeping requirements found at 24 CFR part 135, subpart E. Tribes that receive HUD assistance described in this part must comply with the procedures and requirements of this part to the maximum extent consistent with, but not in derogation of, compliance with section 7(b) of the Indian Self-Determination and Education Assistance Act (25 U.S.C. 450e(b).

III. Application Selection Process

(A) *Rating and Ranking.*

(1) *Screening for Acceptance.* Each Area ONAP will screen applications for single purpose grants. The Area ONAP will reject an application that fails this screening and will return the application unrated. Area ONAPs will accept your application if it meets all the criteria listed below as items (a) through (f):

(a) Your application is received or submitted in accordance with the requirements set forth under APPLICATION DUE DATE in this NOFA;

(b) You are eligible;

(c) The proposed activities are eligible. Activities assisted with ICDBG funds are subject to the requirements of section 504 of the Rehabilitation Act of 1973 and HUD's implementing regulations at 24 CFR part 8;

(d) Your application contains substantially all the components specified in section IV.(D) of this notice;

(e) At least 70% of the grant funds are to be used for activities that benefit low and moderate income persons, in accordance with the requirements of 24 CFR 1003.208; and

(f) Your application is for an amount that does not exceed the grant ceilings that are established by the NOFA.

(2) *Application Review Process.*

(a) *Threshold review.* The Area ONAP will review each application that passes the screening process to ensure that each applicant and each proposed project meets the applicable threshold requirements set forth in 24 CFR 1003.301(a) and 1003.302, as implemented by this NOFA. *The Area*

ONAP will not accept your application for rating and ranking if you fail to meet any of the applicant-specific thresholds. The Area ONAPs will not rate and rank project(s) that do not meet the community development appropriateness or applicable project-specific thresholds.

(b) *Rating Team.* An Area ONAP rating team of at least three voting members will review and rate each project that meets the acceptance criteria and threshold requirements. The Area ONAP rating team will examine each project to determine in which one of the rating categories set forth in 24 CFR 1003.303(a) the project most appropriately belongs. The project will be rated on the basis of the criteria identified in the rating category component to which the project has been assigned. The total points for a rating component are 100, which is the maximum any project can receive.

(c) *Public service projects.* Because there is a statutory 15 percent cap on public services activities, you may not receive a single purpose grant solely to fund public services activities. Your application, however, may contain a public services component for up to 15 percent of the total grant. This component may be unrelated to the other project(s) included in your application. If your application does not receive full funding, we will reduce the public services allocation proportionately so that it comprises no more than 15 percent of the total grant award. In making such reductions, the feasibility of the proposed project will be taken into consideration.

(d) *Final ranking.* (i) We will rank all projects against each other according to the point totals they receive, regardless of the rating category or component under which the points were awarded. We will select projects for funding based on this final ranking, to the extent that funds are available. We will determine individual grant amounts in a manner consistent with the considerations set forth in 24 CFR 1003.100(b)(2). Specifically, an Area ONAP may approve a grant amount less than the amount requested. In doing so, the Area ONAP may take into account the size of the applicant, the level of demand, the scale of the activity proposed relative to need and operational capacity, the number of persons to be served, the amount of funds required to achieve project objectives, and the administrative capacity of the applicant to complete the activities in a timely manner.

(ii) If the Area ONAP determines that there are not enough funds available to fund a project as proposed by the applicant, it may decline to fund that project and fund the next highest ranking project or projects for which adequate funds are available. The Area ONAP may select, in rank order, additional projects for funding if one of the higher ranking projects is not funded, or if additional funds become available.

(e) *Tiebreakers.* When rating results in a tie among projects and insufficient resources remain to fund all tied projects, Area ONAPs will approve projects that can be fully funded over those that cannot be fully funded. When that does not resolve the tie, the Area ONAP will use the following factors in the order listed to resolve the tie:

(i) *Eastern/Woodlands Office.*

(*1*) The applicant with the fewest active grants.

(*2*) The applicant that has not received an ICDBG grant over the longest period of time.

(*3*) The project that would benefit the highest percentage of low and moderate income persons.

(ii) *Southern Plains Office.*

(*1*) The applicant that has not received an ICDBG grant over the longest period of time over the last 8 years.

(*2*) The applicant with the fewest active grants.

(*3*) The project that would benefit the highest percentage of low and moderate income persons.

(iii) *Northern Plains and Southwest Offices.*

(*1*) The applicant that has not received an ICDBG grant over the longest period of time.

(*2*) The applicant with the fewest active grants.

(*3*) The project that would benefit the highest percentage of low and moderate income persons.

(iv) *Northwest Office.*

(*1*) The applicant that has not received an ICDBG grant over the longest period of time.

(*2*) The applicant that has received the fewest ICDBG dollars since the inception of the program.

(*3*) The project that would benefit the highest percentage of low and moderate income persons.

(f) *Pre-award requirements.*

(i) Technical Deficiencies. If there are technical deficiencies in successful applications, you must satisfactorily address these deficiencies before we can make a grant award. Please see section VI. of this NOFA for a definition of such a deficiency and a description of the process to address and correct the deficiency. You must correct all technical deficiencies within the timeframe established by HUD; if they are not corrected, we will not make the grant award and will reject your application.

(ii) We also may require a successful applicant to provide supporting documentation concerning the management, maintenance, operation, or financing of proposed projects before a grant agreement can be executed. We will normally give you no less than thirty (30) calendar days to respond to these requirements. If you do not respond within the prescribed time period or you make an insufficient response, the Area ONAP may determine that you have not met the requirements and may withdraw the grant offer. The Area ONAP require you to submit supporting documentation if:

(*1*) Specific questions remain concerning the scope, magnitude, timing, or method of implementing the project; or

(*2*) You have not provided information verifying the commitment of other resources required to complete, operate, or maintain the proposed project.

(iii) You may not substitute new projects for those originally proposed in your application.

(iv) We will award, in accordance with the provisions of this NOFA, grant amounts that had been allocated for applicants unable to meet pre-award requirements.

(3) *General threshold requirements.*

(a) *General.* Two types of general thresholds are set forth in 24 CFR 1003.301(a): those that relate to applicants, and those that address the overall community development appropriateness of the project(s) included in the application. Project-specific thresholds are set forth in 24 CFR 1003.302.

(b) *Applicant Thresholds.* (i) *General.* Applicant thresholds focus on the administrative capacity of the applicant to undertake the proposed project, on its past performance in the ICDBG program, and on its provision of housing assistance to low and moderate income tribal members.

(ii) *Applicant-Specific Thresholds: Capacity.* The Area ONAP will assume, absent evidence to the contrary, that you possess, or can obtain the managerial, technical, or administrative capability necessary to carry out the proposed project. Your application should address who will administer the project and how you plan to handle the technical aspects of executing the project. If the Area ONAP determines, based on substantial evidence (which could include information provided by the most recent risk analysis conducted by the Area ONAP), that you do not

have or cannot obtain the capacity to undertake the proposed project, it will not consider your application any further.

(iii) *Applicant-Specific Thresholds: Performance. (1) Community Development.* (*a*) If you have previously participated in the ICDBG Program, the Area ONAP will determine whether you have performed adequately in grant administration and management. This determination will include an evaluation of the most recent risk analysis conducted by the Area ONAP for you.

(*b*) To assess whether or not a recipient is making satisfactory progress in completing previously approved programs, we will measure actual progress against the most recent implementation schedule(s) for the recipient's program(s). We will do this assessment with our evaluation of the risk analysis and other relevant information, e.g., monitoring reports, which document or reflect a recipient's performance. We will determine that a recipient which is more than *sixty days* behind schedule is performing inadequately with respect to this aspect of grant administration.

(*c*) If you have been found to be performing inadequately, the Area ONAP will determine whether you have corrected the deficiency or are following a schedule to correct performance to which you and the Area ONAP have agreed. In cases of previously documented deficient performance, the Area ONAP must determine that you have taken appropriate corrective action to improve your performance before the application due date.

(*d*) *The Area ONAP will inform in writing any potential applicant that has been determined not to meet this performance threshold no later than 30 days prior to the application due date.* In its letter, the Area ONAP will specify what actions would have to be taken by the potential applicant to address the identified performance deficiency. If you have not met the performance threshold by the application submission deadline, we will not accept your application for rating and ranking.

(*2*) *Housing assistance.* (*a*) If you have taken any action to prevent or obstruct the provision or operation of assisted housing for low and moderate income persons we will evaluate that action to determine if it constitutes inadequate performance by you. If you have established or joined an Indian Housing Authority (IHA), and this IHA has obtained housing assistance from HUD, we will take into consideration your performance in meeting your obligations and responsibilities to the IHA in the development and operation of housing units assisted under the United States Housing Act of 1937 in evaluating your housing assistance performance. This evaluation will include a review of your compliance with the provisions of the documents that created your relationship with the IHA and the requirements of the Native American Housing Assistance and Self-Determination Act of 1996 (25 U.S.C. 4101 *et seq.*). In addition, if you have designated another entity (a tribally designated housing entity [TDHE]) to be the recipient of Indian Housing Block Grant Assistance on your behalf, we will also consider in our evaluation your compliance with your agreement with the TDHE.

(*b*) We will not hold you accountable for the poor performance of your IHA (or TDHE) *unless* we find this inadequate performance to be a direct result of your action or inaction. If you are a member of a multi-tribal IHA or are associated with a multi-tribal TDHE, we will judge you only on your individual performance and will not hold you accountable for the poor performance of other tribes that are members of the IHA or that are also associated with the TDHE.

(*c*) If you have received ICDBG funds to provide new housing through a Community Based Development Organization (CBDO), the Area ONAP will consider the following in making its determination regarding housing assistance performance:

(*i*) Whether the proposed units were constructed;

(*ii*) Whether housing assistance was provided to the beneficiaries identified in the funded application, and if not, why not;

(*iii*) Whether the provisions of your housing plan and procedures have been followed; and

(*iv*) Whether there were sustained complaints from tribal members regarding provision and/or distribution of ICDBG housing assistance.

(*d*) *The Area ONAP will inform in writing any potential applicant that has been determined not to meet the housing assistance performance threshold no later than 30 days before the application deadline.*

(*iv*) *Audits.* The thresholds described in paragraphs (3)(b)(ii) and (3)(b)(iii) of this section III.(A) require you to meet the following performance criteria:

(*1*) You cannot have an outstanding ICDBG obligation to HUD or to an ICDBG program that is in arrears, or you must have agreed to a repayment schedule. If you have an outstanding ICDBG obligation that is in arrears, or have not agreed to a repayment schedule, you will be disqualified from the current competition and from subsequent competitions until your obligations are current. If a recipient that was current at the time of application submission becomes delinquent during the review period, we may reject the application.

(*2*) You cannot have an overdue or unsatisfactory response to an audit finding pertaining specifically to an ICDBG program. If you have an overdue or unsatisfactory response to an audit finding, you will be disqualified from the current and subsequent competitions until you have taken final action necessary to close the audit finding. The Area ONAP Administrator may provide exceptions to this disqualification if you have made a good faith effort to clear the audit finding. When funds are due HUD or an ICDBG program as a result of a finding, the Area ONAP Administrator may grant an exception only if you have made a satisfactory arrangement to repay the debt and payments are current.

(c) *Community Development Appropriateness.* In order to rate and rank a project contained in an application that has passed the screening tests outlined in section III.(A) of this NOFA, Area ONAPs must determine that the proposed project meets the community development appropriateness thresholds set forth below:

(i) *Costs are reasonable.* The project must be described in sufficient detail so that the Area ONAP can determine:

(*1*) That costs are reasonable; and

(*2*) That the funds requested from the ICDBG program and all other sources are adequate to complete the proposed activity(ies) described in the application.

(ii) *Project is Appropriate.* The project is appropriate for the intended use.

(iii) *Project is Usable or Achievable.* The project is usable or achievable in a timely manner, generally within a two year period. The timetable for project implementation and completion must be set forth on the form HUD 4125, Implementation Schedule, included in the application. A period of more than two years is acceptable in certain circumstances, if it is established that such circumstances are beyond your control.

(B) *Factors for Award Used To Evaluate and Rate Applications.* The factors for rating and ranking applications and the points for each factor are provided below. The maximum number of points for a rating component is 100, which is the maximum any project can receive.

(1) *Summary of Rating Factors and Point Awards.*

	Maximum points
Housing	
Sec. III.(B)(3):	
(c) Rehabilitation	
(i) Project Need and Design	
(*1*) % of funds for standard rehab	20
(*2*) Applicant's selection criteria	5
(*3*) Housing survey	15
(ii) Planning and Implementation	
(*1*) Rehabilitation policies	
(*a*) Rehabilitation standards	10
(*b*) Selection policies and procedures	10
(*c*) Project implementation policies and procedures	10
(*2*) Post rehab maintenance	5
(*3*) Cost estimates	15
(*4*) Cost effectiveness	5
(iii) Leveraging	5
Total points	100
(e) Land to Support New Housing	
(i) Project Need	40
(ii) Planning and Implementation	
(*1*) Suitability of the land	20
(*2*) Housing resources	10
(*3*) Supportive services	5
(*4*) Commitment of households	5
(*5*) Land to trust status	5
(*6*) Infrastructure commitment	10
(*7*) Land meets need and is reasonably priced	5
Total points	100
(g) New Housing Construction	
(i) Project Need and Design	
(*1*) IHA member/assistance	15
(*2*) Housing policies and plan	25
(*3*) Beneficiary identification	5
(ii) Planning and Implementation	
(*1*) Occupancy standards	10
(*2*) Site acceptability	15
(*3*) Energy conservation design	5
(*4*) Housing survey	10
(*5*) Cost effectiveness	5
(iii) Leveraging	10
Total points	100
Community Facilities	
Sec. III.(B)(4):	
(a) Infrastructure	
(i) Project Need and Design	
(*1*) Meets an essential need	20
(*2*) Benefits the neediest	15
(*3*) Provides infrastructure/health and safety	25
(ii) Planning and Implementation	
(*1*) Maintenance and operation plan	15
(*2*) Appropriate and effective design scale and cost	15
(iii) Leveraging	10
Total Points	100
(c) Buildings	
(i) Project Need and Design	
(*1*) Meets an essential need	20
(*2*) Benefits the neediest	15
(*3*) Provides building/health and safety	25
(ii) Planning and Implementation	
(*1*) Maintenance and operation plan	15
(*2*) Appropriate and effective design scale and cost	15
(iii) Leveraging	10

	Maximum points
Total points	100

Economic Development

Sec. III.(B)(5):	
(b) Economic Development	
(i) Organization	8
(ii) Project Success	
(*1*) Market analysis	15
(*2*) Management capacity	15
(*3*) Financial analysis	15
(iii) Leveraging	12
(iv) Jobs	
(*2*) ICDBG cost/job	15
(*3*) Quality of jobs/training	5
(v) Additional considerations	15
Total points	100

(2) *Definitions.*

Adopt means to approve by formal tribal resolution.

Assure means to comply with a specific NOFA requirement. As an applicant, you should state your compliance or your intent to comply in your application.

Document means to supply supporting written information and/or data in the application which satisfies the NOFA requirement.

Leverage means resources that you will use in conjunction with ICDBG funds to achieve the objectives of the project. Resources include, but are not limited to:

(1) Tribal trust funds;

(2) Loans from individuals or organizations;

(3) State or Federal loans or guarantees;

(4) Other grants; and

(5) Noncash contributions and donated services. (See section IV.(E) of this NOFA for documentation requirements for point award for leveraged resources.)

Project Cost means the total cost to implement the project. Project cost includes both ICDBG and non ICDBG funds and resources.

Section 8 standards means housing quality standards contained in 24 CFR 982.401 (Section 8 Tenant-Based Assistance: Unified Rule for Tenant-Based Assistance Under the Section 8 Rental Certificate Program and the Section 8 Rental Voucher Program).

Standard Housing/Standard Condition means housing that meets the housing quality standards (HQS) adopted by the applicant.

(1) The HQS adopted by the applicant must be at least as stringent as the Section 8 standards unless the Area ONAP approves less stringent standards based on a determination that local conditions make the use of Section 8 standards infeasible.

(2) You may submit, before the application due date, a request for the approval of standards less stringent than Section 8 standards. If you submit the request with your application, you should not assume automatic approval by the Area ONAP.

(3) The adopted standards must provide for the following:

(i) That the house is safe, in a physically sound condition with all systems performing their intended design functions;

(ii) A livable home environment;

(iii) An energy efficient building and systems which incorporate energy conservation measures; and

(iv) Adequate space and privacy for all intended household members.

Housing

(3) *Project Specific Thresholds and Rating Factors for Housing.* (a) *Specific thresholds for housing category projects.* (i) You must provide an assurance that households that have been evicted from HUD assisted housing within the past five years will not be assisted by the proposed project except in emergency situations. The Area ONAP Administrator will review each emergency situation proposed by an applicant on a case-by-case basis to determine whether an exception is warranted.

(ii) *Consistency with Indian Housing Plan (IHP).* You must provide an assurance that the housing category project proposed is consistent with, and to the extent possible, identified in, the Indian Housing Plan (IHP) submitted by you or on your behalf under the provisions of the Native American Housing Assistance and Self-Determination Act of 1996 (25 U.S.C. 4101 *et seq.*). (If the IHP for the IHBG program year which coincides with the implementation of the ICDBG proposed project has not been submitted, you must provide an assurance that when submitted, the IHP will specifically reference the proposed housing category project).

(b) *Rehabilitation Thresholds and Grant Limits.* (i) *Thresholds.* If you are applying for a housing rehabilitation grant, you must adopt rehabilitation standards and rehabilitation policies before you submit an application. *You must submit these standards and policies with the application.* You must provide an assurance that:

(*1*) Any house to be rehabilitated will be the permanent non-seasonal residence of the occupants; the residents will live in the unit at least nine months per year.

(*2*) Houses designated for eventual replacement will only receive repairs essential for the health and safety of the occupants.

(*3*) Project funds will be used to rehabilitate HUD assisted houses only when the tenant/homeowner's payments are current or the tenant/homeowner is current in a repayment agreement that is subject to approval by the Area ONAP. In emergency situations the Area ONAP administrator may grant exceptions to this requirement on a case-by-case basis.

(*4*) Houses that have received comprehensive rehabilitation assistance from any ICDBG or other Federal grant program within the past 8 years will not be assisted with ICDBG funds to make the same repairs if the repairs are needed as a result of abuse or neglect.

(ii) *Grant limits.* Rehabilitation grant limits for each Area ONAP jurisdiction are as follows:

(1) Eastern/Woodlands	$20,000
(2) Southern Plains	15,000

(3) Northern Plains	33,500
(4) Southwest	40,000
(5) Northwest	25,000

(c) *Rating Factors for Rehabilitation Projects.*

(i) *Rating Factor 1: Project Need and Design.* (40 points)

(*1*) The percentage of ICDBG funds committed to bring the houses to be assisted up to a standard condition as defined by the applicant. Administrative, planning, and technical assistance expenditures are excluded in computing the percentage of ICDBG funds committed to bring the houses up to a standard condition. The percentage of ICDBG funds not used to bring the houses up to a standard condition must be used for emergency repairs, demolition of substandard units or another purpose closely related to the housing rehabilitation project.

Percentage of ICDBG funds committed to bring houses to be assisted up to a standard condition:

91–100%	20 points.
81–90.9%	15 points.
80.9 and less	0 points.

(*2*) Your selection criteria which are included in your application give first priority to the neediest households. ''Neediest households'' means households whose houses are in the greatest disrepair (but still suitable for rehabilitation treatment) in the project area, or very low-income households.

YES: 5 points
NO: 0 points

(*3*)(*a*) Documentation of project need with a housing survey of all of the houses to be rehabilitated with ICDBG funds. This survey should include standard housing data on each house surveyed (e.g., age, size, type, number of rooms, number of habitable rooms, number of bedrooms/sleeping rooms, type of heating). The survey should indicate the deficiencies for each house. *The survey must include a definition of ''suitable for rehabilitation.''* At a minimum, this definition must not include houses that need only minor repairs, or houses that need such major repairs that rehabilitation is structurally or financially infeasible.

(*b*) The application contains all the required survey data and the required definition of ''suitable for rehabilitation.'' (15 points)

(*c*) The application does not contain the required definition of ''suitable for rehabilitation'' and/or all the survey data, but does contain sufficient data to enable the project to proceed effectively. (10 points)

(*d*) The application does not contain survey data *or* the survey data it does contain is not sufficient to enable the project to proceed effectively. (0 points)

(ii) *Rating Factor 2: Planning and Implementation.* (55 points)

(*1*) *Rehabilitation Policies and Procedures including:*

(*a*) *Adopted rehabilitation standards.* The rehabilitation standards adopted by you, the applicant, will assure that after rehabilitation the houses assisted will be in a standard condition as defined in this NOFA. In addition, these standards include specific requirements that address child safety measures to be incorporated in all appropriate rehabilitation work. Such measures may include, but are not limited to, child safety latches on cabinets, hot water protection devices, and window guards to prevent children from falling.

The standards you adopt will ensure that after rehabilitation the houses assisted will be in a standard condition as defined in this NOFA and that, where applicable, a safer living environment for children has been created. (10 points)

The standards you adopt will ensure that after rehabilitation the houses assisted will be in a standard condition as defined in this NOFA but they do not address applicable specific child safety measures. (5 points)

The standards do not meet requirements for point award. (0 points)

(*b*) *Rehabilitation selection policies and procedures.* (*i*) The rehabilitation selection policies and procedures contained in the application include:

(*A*) Property selection standards;

(*B*) Cost limits;

(*C*) Type of financing (e.g., loan or grant);

(*D*) Homeowner costs and responsibilities;

(*E*) Procedures for selecting households to be assisted; and,

(*F*) Income verification procedures.

(*ii*) The application contains all the rehabilitation selection policies and procedures listed above. (10 points)

(*iii*) The application does not contain all the rehabilitation selection policies and procedures listed above, but contains sufficient data to enable the project to proceed effectively *or* the application contains all the rehabilitation selection policies and procedures listed above, but in insufficient detail. (5 points)

(*iv*) The application does not contain the rehabilitation selection policies and procedures listed above *or* if it does contain policies and procedures, they are not sufficient to enable the project to proceed effectively. (0 points)

(*c*) *Project implementation policies and procedures.* (*i*) These policies and procedures must include a description of the following items:

(*A*) The qualifications which will be required of the inspector;

(*B*) The inspection procedures to be used;

(*C*) The procedures to be used to select the contractor or contractors;

(*D*) The manner in which the households to be assisted will be involved in the rehabilitation process;

(*E*) How disputes between the households to be assisted, the contractors and the applicant will be resolved; and, if applicable;

(*F*) The repayment provisions which will be required if sale of the assisted house occurs prior to 5 years after the rehabilitation work has been completed.

(*ii*) The application contains all the policies and procedures listed above, and they will enable the project to be effectively implemented. (10 points)

(*iii*) The application contains some but not all of the policies and procedures listed above and these policies and procedures are sufficient for the project to proceed effectively. (5 points)

(*iv*) The application does not contain the policies and procedures listed above. (0 points)

(*2*) *Post rehabilitation maintenance policies that address counseling and training assisted households on maintenance.* (*a*) The policies included in the application contain a well-planned counseling and training program. Training will be provided for assisted households, and provision is made for households unable to do their own maintenance (e.g., elderly and persons with disabilities).

(*b*) The policies include follow-up inspections after rehabilitation is completed to ensure the house is being maintained. (5 points)

(*c*) The policies contain a well-planned home maintenance training and counseling program but fail to adequately address all of the items listed above. (3 points)

(*d*) Your application does not contain a well-planned home maintenance training and counseling program. (0 points)

(*3*) *Quality of cost estimates.* (*a*) Cost estimates have been prepared by a qualified individual. (You must include qualifications of the estimator in the application). You have documented costs of rehabilitation on a per house basis and are supported by a work write-up for each house to be assisted. The work write-ups are based upon making those repairs necessary to bring the houses to a standard condition in a manner consistent with adopted construction codes and requirements. You must submit the write-ups with the application. If national standards (e.g.,

the Uniform Building Code) have been locally adopted as the construction codes and requirements, they must be referenced. If you used locally developed and adopted codes and requirements, you must submit them. (15 points)

(*b*) You have prepared cost estimates for each house to be rehabilitated to determine the total rehabilitation cost and have included the cost estimates in your application. Costs to rehabilitate each house are documented by a deficiency list. (12 points)

(*c*) You have prepared cost estimates and have included them in your application but the estimates are based on surveys and not on individual house deficiency lists. (5 points)

(*d*) You have not included cost estimates in your application *or* the basis for the cost estimates included is inappropriate or not provided. (0 points)

(*4*) *Cost effectiveness of the rehabilitation program.* (*a*) This is a measure of how efficiently and effectively funds will be used under the proposed program. Applicants must demonstrate how the proposed rehabilitation will bring the houses to be assisted to a standard condition in an efficient and cost effective manner.

(*b*) Rehabilitation project is cost effective. (5 points)

(*c*) Rehabilitation project is not cost effective. (0 points)

(iii) *Rating Factor 3: Leveraging.* (5 points)

We will award points under this component in a manner consistent with the definition of ''Leverage'' included in this NOFA and the following breakdown:

Non-ICDBG % of project cost	Points
25 and over	5
20–24.9	4
15–19.9	3
10–14.9	2
5–9.9	1
0–4.9	0

(d) *Thresholds for Land To Support New Housing.* (i) The application contains information and documentation such as a preliminary plot plan or its equivalent that establishes that there is a reasonable ratio between the number of net usable acres to be acquired and the number of low and moderate income households with documented housing needs. A clear objective of the applicant must be to make the most effective and economic use of the land proposed for acquisition.

(ii) Housing assistance needs must be clearly demonstrated and documented with either a survey that identifies the households to be served, their size, income levels and the condition of current housing or an IHA, or if applicable, TDHE approved waiting list. *The survey or waiting list must be submitted with the application.*

(e) *Rating Factors for Land to Support New Housing.*

(i) *Rating Factor 1: Project Need and Design.* (40 Points)

Information included in the application establishes that:

(*1*) The applicant has no suitable land for the construction of new housing and the necessary infrastructure and amenities for this housing. (40 points); or

(*2*) The applicant has land suitable for housing construction and needed infrastructure and amenities, but the land is officially dedicated to another purpose. (30 points); or

(*3*) The applicant will be acquiring land for housing construction and the construction of needed infrastructure and amenities for both new and existing housing. (25 points); or

(*4*) The applicant will be acquiring land for the construction of amenities for existing housing. (15 points); or

(*5*) The reason for the land acquisition does not meet any of the criteria listed above. (0 points)

(ii) *Planning and Implementation.* (60 points)

(*1*) *Suitability of land to be acquired.* You had a preliminary investigation conducted by a qualified independent entity. Based on this investigation *(which you must submit with your application)*, the land appears to meet all applicable requirements:

(*a*) Soil conditions appear to be suitable for individual and/or community septic systems or other acceptable methods for waste water collection and treatment have been identified.

(*b*) The land has adequate:

(*i*) Availability of drinking water;

(*ii*) Access to utilities;

(*iii*) Vehicular access;

(*iv*) Drainage.

(*e*) The land appears to comply with environmental requirements. Future development costs are expected to be consistent with other subdivision development costs in the area (subdivision development costs include the costs of the land, housing construction, water and sewer, electrical service, roads, and drainage facilities if required).

YES: 20 points
NO: 0 points

(*2*) Commitment and availability of housing resources.

(*a*) The application includes evidence of a commitment and an ability to construct at least 25 percent of the housing units to be built on the land proposed for acquisition. This evidence consists of one (or more) of the following.

(*i*) A firm or conditional commitment to construct (or to finance the construction of) the units; or

(*ii*) Documentation that an approvable application for the construction of these units has been submitted to a funding source or entity; or

(*iii*) Documentation that these units are specifically identified in the Indian Housing Plan submitted on or on behalf of the applicant as an affordable housing resource with a commensurate commitment of Indian Housing Block Grant (IHBG) resources. (10 points)

(*b*) Your application does not include evidence required for the award of 10 points. (0 points)

(*3*) *Availability/accessibility of supportive services and employment opportunities.* The application includes documentation indicating that, upon completion of construction of the housing to be built on the land to be acquired, fire and police protection will be available to the site and medical and social services, schools, shopping, and employment opportunities will be accessible from the site according to the community's established norms.

YES: 5 points
NO: 0 points

(*4*) *Commitment that households will move into the new housing.* The application includes a documented commitment from households that they will move into the new housing to be built on the land to be acquired.

YES: 5 points
NO: 0 points

(*5*) *Land to trust status.* (*a*) Land can be taken into trust or provisions have been made for taxes and fees. There must be a written assurance from the BIA that the land will be taken into trust or the applicant must demonstrate the financial capability and commitment to pay the property taxes and fees on the land for any period of time during which it anticipates it will own the property in fee. This commitment must be in the form of a resolution by the governing body of the applicant that indicates that the applicant will pay or guarantee that all taxes and fees on the land will be paid.

(*b*) Your application includes documentation from the BIA that land can be taken into trust or the required governing body resolution. (5 points)

(*c*) Your application does not include either the assurance or the resolution or they are inadequate. (0 points)

(*6*) *Infrastructure commitment.* (*a*) Your application includes a plan or

commitment for any infrastructure needed to support the housing to be built on the land to be acquired. The plan or commitment must address water, waste water collection and treatment, electricity, roads, and drainage facilities necessary to support the housing to be developed.

(*b*) Your application includes financial commitments for all necessary infrastructure or includes documentation demonstrating that all necessary infrastructure is in place. (10 points)

(*c*) The application includes a plan to provide all necessary infrastructure but you have not submitted all financial commitments required to implement the plan. (5 points)

(*d*) The application does not include either a financial commitment or plan. (0 points)

(*7*) *The extent to which the site proposed for acquisition meets the housing needs of the applicant and is reasonably priced.* Your application includes documentation indicating that you have examined and assessed the appropriateness of alternative sites and demonstrating that the site proposed for acquisition best meets the documented housing needs of tribal households. Your application must include comparable sales data that show that the cost of the land proposed for acquisition is reasonable.

Yes: 5 points
No: 0 points

(*f*) *Thresholds for New Housing Construction.* The following thresholds and the rating factors set forth in paragraph (g) of this section apply to new housing construction to be implemented through a Community-Based Development Organization (CBDO) as provided for under 24 CFR 1003.204. *Please note that all households to be assisted under a new housing construction project must be of low or moderate income status.*

(i) New housing construction can only be implemented through a CBDO. Eligible CBDOs are described in 24 CFR 1003.204(c). You must provide an assurance that you understand this requirement.

(ii) *You must include in the application, documentation supporting the following determinations:*

(*1*) No other housing is available in the immediate reservation area that is suitable for the households to be assisted.

(*2*) No other funding sources including an Indian Housing Block Grant can meet the needs of the household(s) to be served.

(*3*) The house occupied by the household to be assisted is not in standard condition and rehabilitation is not economically feasible, or the household is currently in an overcrowded house (sharing house with another household(s)), or the household to be assisted has no current residence.

(iii) Before you submit an application for new housing construction projects, you must adopt construction standards and construction policies. You must identify the building code to be used when constructing the houses and must document that this code has been adopted. The building code may be a tribal building code or a nationally recognized model code. If it is a tribal code it must regulate all of the areas and sub-areas identified in 24 CFR 200.925b, and it must be reviewed and approved by the Area ONAP. If the code is recognized nationally, it must be the latest edition of one of the codes incorporated by reference in 24 CFR 200.925c.

(iv) You must provide an assurance that any house to be constructed will be the permanent non-seasonal residence of the household to be assisted; this household must live in the house at least nine months per year.

(g) *Rating Factors for New Housing Construction.*

(i) *Rating Factor 1: Project Need and Design.* (45 points)

(*1*) *IHA member/assistance.* (*a*) Your application includes documentation which establishes that you were not served by an Indian Housing Authority (IHA), or if you were a member of an umbrella IHA, this IHA had not provided assistance to you in a substantial period, or the IHA that served the applicant had not received HUD Public and Indian Housing new construction assistance in a substantial period due to limited HUD appropriations. The period during which the IHA serving you had not received funding for inadequate or poor performance by you does not count towards the period that no assistance has been provided by HUD.

(*b*) No assistance from IHA for 10 years or longer. (15 points)

(*c*) No assistance from IHA for 6–9 years, 11 months. (10 points)

(*d*) No assistance from IHA for 0–5 years, 11 months. (0 points)

(*2*) *Adopted housing construction policies and plan.* (*a*) The plan must include a description of the proposed CBDO and its relationship (or proposed relationship) to the applicant. In addition, the policies and plan must include:

(*i*) A selection system that gives priority to the neediest households. ''Neediest households'' means households whose current residences are in the greatest disrepair, or very low-income households, or households without permanent housing.

(*ii*) A system effectively addressing long-term maintenance of the constructed houses.

(*iii*) Estimated costs and identification of the entity responsible for paying utilities, fire hazard insurance and other normal maintenance costs.

(*iv*) Policies governing ownership of the houses, including the status of the land.

(*v*) Description of a comprehensive plan or approach being implemented by the tribe to meet the housing needs of its members.

(*vi*) Policies governing disposition or conversion to non-dwelling uses of substandard houses that will be vacated when a replacement house is provided.

(*b*) The policies and plan include all of the information listed above and, in addition, they specifically address the incorporation of child safety measures in the housing to be constructed. These measures may include, but are not limited to, child safety latches on cabinets, hot water protection devices, and window guards to prevent children from falling. (25 points)

(*c*) The policies and plan include all of the information listed above but do not specifically address the incorporation of child safety measures. (20 points)

(*d*) The policies and plan do not include all of the information listed above, but do include sufficient information to allow the project to proceed effectively *or* all of the information is included, but in insufficient detail. (10 points)

(*e*) The information included in the application is not sufficient to meet the requirements for the award of 10 points. (0 points)

(*3*) *Beneficiary identification.* (*a*) Your application identifies households to be assisted and documents their income eligibility and household size. (5 points)

(*b*) Your application does not identify households to be assisted or, if identified, does not document their income eligibility and household size. (0 points)

(ii) *Rating Factor 2: Planning and Implementation.* (45 points)

(*1*) *Occupancy Standards.* (*a*) The proposed housing will be designed and built according to adopted reasonable standards that govern the size of the housing in relation to the size of the occupying household (minimum and maximum number of persons allowed for the number of sleeping rooms); the minimum and maximum square footage allowed for major living spaces (bedrooms, living room, kitchen and

dining room). *You must submit the standards with your application.*

(*b*) You have adopted reasonable occupancy standards and they are included in your application. (10 points)

(*c*) You have not adopted reasonable occupancy standards or did not include the standards in your application. (0 points)

(*2*) *Site Acceptability.* (*a*) You (or the proposed beneficiary household) have control of the land upon which the houses will be built. Either: (*i*) the application includes documentation that all housing sites are in trust or documentation from the BIA that the sites will be taken into trust within one year of the date of the ICDBG approval notification. If the sites are not in trust by the date of ICDBG approval notification, you must provide documentation that they are in trust to the Area ONAP before ICDBG funds may be obligated for construction; or

(*ii*) If you cannot provide documentation that the site(s) are in trust or will be taken into trust in the timeframe established, you have provided a formal tribal assurance. This assurance states that deed restrictions (or legal equivalents) will be imposed so that the owner of the site upon which the ICDBG assisted house will be built cannot sell the house without your permission and that the owner must reimburse you for the appraised value of the house at the time of sale (or the value of the ICDBG assistance provided, whichever is less). You must provide evidence that these restrictions have been recorded to the Area ONAP before you may obligate ICDBG funds for construction. You must treat any funds reimbursed to you as the result of future sales as program income as defined and regulated in 24 CFR 1003.503.

(*b*) You had a preliminary investigation of the site(s) conducted by a qualified independent entity. Based on this investigation *(which must be included in the application)* the site(s) appear to meet all applicable requirements:

Soil conditions appear to be suitable for individual or community septic systems or other acceptable methods for waste water collection and treatment have been identified.

(*i*) Each site has adequate:

(*ii*) Availability of drinking water;

(*iii*) Access to utilities;

(*iv*) Vehicular access;

(*v*) Drainage;

(*vi*) Each site appears to comply with environmental requirements.

YES: 15 points
NO: 0 points

(*3*) *Energy Conservation Design.* Your application includes documentation demonstrating that the proposed houses have been designed in a manner that will ensure that energy use will be no greater than that for comparable houses in the same general geographic area that have been constructed in accordance with applicable state energy conservation standards for residential construction. Your application describes any special design features, materials, or construction techniques which enhance energy conservation.

YES: 5 points
NO: 0 points

(*4*) *Housing Survey.* (*a*) You have completed a survey of housing conditions and housing needs of your tribal members. You completed this survey within the twelve months before the application submission deadline (or if an earlier survey, you updated it during this period). *You must submit the survey with your application.* You included the following descriptive data for each household surveyed:

(*i*) Size of the household, including age and gender of any children.

(*ii*) Is the household occupying permanent housing or is it homeless?

(*iii*) Annual household income.

(*iv*) Owner or renter.

(*v*) Number of habitable rooms and number of sleeping rooms.

(*vi*) Physical condition of the house—standard/substandard. If substandard, is it suitable for rehabilitation? *The survey must include a definition of ''suitable for rehabilitation.''*

(*vii*) Number of distinct households occupying the house/degree of overcrowding.

(*viii*) If there is a need for a replacement house, what are the housing preferences of the household, e.g., ownership or rental; location; manufactured or stick-built.

(*b*) You submitted an acceptable survey. (10 points)

(*c*) You did not submit a survey or the survey is not acceptable. (0 points)

(*5*) *Cost effectiveness of new housing construction.* (*a*) This is a measure of how efficiently and effectively funds will be used under the proposed program. You must demonstrate how the proposed housing activities will be accomplished in an efficient and cost effective manner.

(*b*) You have demonstrated that the proposed activities are cost effective. (5 points)

(*c*) You have not demonstrated that the proposed activities are cost effective. (0 points)

(iii) *Rating Factor 3: Leveraging.* (10 points)

We will award points under this component in a manner consistent with the definition of ''Leverage'' included in this NOFA and the following breakdown:

Non-ICDBG % of project cost	Points
25 and over	10
20–24.9	8
15–19.9	6
10–14.9	4
5–9.9	2
0–4.9	0

Community Facilities

(4) *Project Specific Thresholds and Rating Factors for Community Facilities.*

(a) *Rating Factors for Infrastructure.*

(*i*) *Rating Factor 1: Project Need and Design.* (60 points)

(*1*) *Meets an essential need.* (*a*) Your application includes documentation demonstrating that the proposed project meets an essential community development need by fulfilling a function that is critical to the continued existence or orderly development of the community.

(*b*) The proposed project will fulfill a function that is critical to the continued existence or orderly development of the community. (20 points)

(*c*) The proposed project will fulfill a function that is not critical to the continued existence or orderly development of the community. (0 points)

(*2*) *Benefits the neediest.* (*a*) The proposed project benefits the neediest segment of the population, as identified below. You must include information demonstrating that income data were collected in a statistically reliable and independently verifiable manner and that:

(*b*) 85 percent or more of the beneficiaries are low and moderate income. (15 points)

(*c*) Between 75–84.9 percent of the beneficiaries are low and moderate income. (10 points)

(*d*) Between 55–74.9 percent of the beneficiaries are low and moderate income. (5 points)

(*e*) Less than 55 percent of the beneficiaries are low and moderate income. (0 points)

(*3*) *Provides infrastructure/health and safety.*

(*a*) The application includes documentation demonstrating that the proposed project will provide infrastructure that does not currently exist for the area to be served *or* it will eliminate or substantially reduce a health or safety threat or problem *or* it will replace existing infrastructure that no longer functions adequately to meet current needs.

(*b*) The infrastructure does not exist *or* the existing infrastructure no longer functions *or* the existing infrastructure does not contribute to the elimination of, or causes, a verified health or safety threat or problem. (25 points)

(*c*) The existing infrastructure no longer functions adequately to meet current needs *or* is unreliable. (20 points)

(*d*) The proposed project will replace or supplement existing infrastructure which is adequate for current needs but which will not meet acknowledged future needs. (12 points)

(*e*) The proposed project will replace or supplement existing infrastructure which is adequate to meet current needs and future needs have not been acknowledged or documented. (0 points)

(*f*) If the project is intended to address a health or safety threat or problem, you must provide documentation consisting of a signed study or letter from a qualified independent authority which verifies that:

(*i*) A threat to health or safety (or a health or safety problem) exists that has caused or has the potential to cause serious illness, injury, disease, or death; and

(*ii*) The threat or problem can be completely or substantially eliminated if the proposed project is undertaken.

(ii) *Rating Factor 2: Planning and Implementation.* (30 points)

(*1*) *A viable plan for maintenance and operation.* (*a*) If you are to assume responsibility for maintenance and operation of the proposed facility, you must adopt a maintenance and operation plan which addresses maintenance, repair and replacement of items not covered by insurance, and which clearly identifies operating responsibilities and resources. *You must include this plan and the adopting resolution in your application.* The plan must identify a funding source to ensure that the facility will be properly maintained and operated. The resolution adopting the plan must identify the total annual dollar amount you will commit.

(*b*) If an entity other than you commits to pay for maintenance and operation, you must include a letter of commitment that identifies the responsibilities the entity will assume in your application. You are not required to submit a maintenance and operations plan. If this entity is not an established organization or agency, this letter must also identify its financial ability to assume the indicated responsibilities. The Area ONAP will award points only if it is able to determine that the entity is financially able to assume the costs of maintenance and operation.

(*c*) Your application includes an acceptable maintenance and operation plan and adopting resolution (or letter of commitment). (15 points)

(*d*) Your application does not include either the plan and resolution or the commitment letter or if included, they are not acceptable. (0 points)

(*2*) *An appropriate and effective design, scale and cost.* (*a*) Your application includes information demonstrating that the proposed project is the most appropriate and cost effective approach to address the identified need. This information demonstrates that you have considered the use of existing facilities and resources, and alternatives, including method of implementation and cost. If only one approach is feasible (there are no alternatives to the proposed project), the application must include an explanation.

(*b*) Your application includes the required information. (15 points)

(*c*) Your application does not include the required information or, if included, it is unacceptable. (0 points)

(iii) *Rating Factor 3: Leveraging.* (10 points)

We will award points under this component in a manner consistent with the definition of ''Leverage'' included in this NOFA and the following breakdown:

Non-ICDBG % of project cost	Points
25 and over	10
20–24.9	8
15–19.9	6
10–14.9.	4
5–9.9	2
0–4.9	0

(b) *Threshold for Buildings.* If you propose a facility that would provide health care services funded by the Indian Health Service (IHS), you must assure that the facility meets all applicable IHS facility requirements. We recognize that tribes that are contracting services from the IHS may establish other facility standards. These tribes must assure that these standards at least compare to nationally accepted minimum standards.

(c) *Rating Factors for Buildings.*

(i) *Rating Factor 1: Project Need and Design.* (60 points)

(*1*) *Meets an essential need.* (*a*) Your application includes documentation that the proposed building meets an essential community development need by providing space so that a service or function that is critical to the continued existence or orderly development of the community can be provided.

(*b*) The proposed building will provide space for a service or function that is essential to the continued existence or orderly development of the community. (20 points)

(*c*) The proposed building will provide space for a service or function that is not critical to the continued existence or orderly development of the community. (0 points)

(*2*) *Benefits the neediest.* The proposed project benefits the neediest segment of the population, as identified below. Your application must include information demonstrating that income data was collected in a statistically reliable and independently verifiable manner and that:

(*a*) 85 percent or more of the beneficiaries are low and moderate income. (15 points)

(*b*) Between 75–84.9 percent of the beneficiaries are low and moderate income. (10 points)

(*c*) Between 55–74.9 percent of the beneficiaries are low and moderate income. (5 points)

(*d*) Less than 55 percent of the beneficiaries are low and moderate income. (0 points)

(*3*) *Provides building/health and safety.* (*a*) Your application includes documentation demonstrating that the proposed building will be used to provide services or functions that are not currently being provided to service area beneficiaries *or* it will replace a building that does not meet health or safety standards that are currently being used to provide the service or function *or* it will replace a building that is no longer able to provide the space or amenities to meet the current need for the services or functions.

(*b*) The services or functions to be provided in the proposed building do not exist for the service area population *or* the building currently being used does not meet health or safety standards. (25 points)

(*c*) The building to be replaced by the proposed building is not able to provide the space or amenities for the services or functions so that current needs cannot be entirely met. (20 points)

(*d*) The building to be replaced is able to provide adequate space and current needs are being met but it cannot provide space for acknowledged future needs. (10 points)

(*e*) The proposed building is not necessary since current needs and acknowledged future needs can be met through the use of existing facilities. (0 points)

(*f*) If the proposed building is intended to replace an existing building that does not meet health or safety standards, your application must

include documentation consisting of a signed letter from a qualified independent authority which specifically identifies the standard or standards which are not being met by the existing building.

(ii) *Rating Factor 2: Planning and Implementation.* (30 points)

(*1*) *A viable plan for maintenance and operation.* (*a*) If you are to assume responsibility for the maintenance and operation of the proposed building, you must adopt a maintenance and operation plan that addresses maintenance, repair and replacement of items not covered by insurance, and that clearly identifies operating responsibilities and resources. *You must include this plan and the adopting resolution in your application.* The plan must identify a funding source to ensure that the building will be properly maintained and operated. The resolution adopting the plan must identify the total annual dollar amount you will commit.

(*b*) If an entity other than the applicant commits to pay for maintenance and operation, you must include a letter of commitment identifying the responsibilities the entity will assume in your application. You are not required to submit a maintenance and operation plan. If this entity is not an established organization or agency, this letter must also identify its financial ability to assume the indicated responsibilities. The Area ONAP will award points only if it is able to determine that the entity is financially able to assume the costs of maintenance and operation.

(*c*) Your application includes an acceptable maintenance and operation plan and adopting resolution (or letter of commitment). (15 points)

(*d*) Your application does not include either the plan and resolution or the commitment letter, or if included, they are not acceptable. (0 points)

(*2*) *An appropriate and effective design, scale and cost.* (*a*) Your application includes information demonstrating that the proposed building is the most appropriate and cost effective approach to address the identified need(s). This information demonstrates that you have considered the use of existing facilities and resources and alternatives, including method of implementation and cost. If only one approach is feasible (there are no alternatives to the proposed building), the application must include an explanation.

(*b*) Your application includes the required information. (15 points)

(*c*) Your application does not include the required information or, if included, it is unacceptable. (0 points)

(iii) *Rating Factor 3: Leveraging.* (10 points)

We will award points under this component based on the definition of ''Leverage'' included in this NOFA and the following breakdown:

Non-ICDBG % of project cost	Points
25 or more	10
20–24.9	8
15–19.9	6
10–14.9	4
5–9.9	2
0–4.9	0

Economic Development

(5) *Project Specific Thresholds and Rating Factors for Economic Development.*

(a) *Thresholds for Economic Development.* (i) Economic development assistance may be provided only when a financial analysis is provided which shows public benefit commensurate with the assistance to the business can reasonably be expected to result from the assisted project.

(ii) The analysis should also establish that to the extent practicable: reasonable financial support will be committed from non-Federal sources prior to disbursement of Federal funds; any grant amount provided will not substantially reduce the amount of non-Federal financial support for the activity; not more than a reasonable rate of return on investment is provided to the owner; and, that grant funds used for the project will be disbursed on a pro-rata basis with amounts from other sources. In addition, it must be established that the project is financially feasible and has a reasonable chance of success.

(b) *Rating Factors for Economic Development.*

(i) *Rating Factor 1, Organization.* (8 points)

(*1*) The application contains information and documentation that addresses all of the following three elements (Maximum: 8 points):

(*a*) You (or entity to be assisted) have an established organization system for operation of a business, (e.g., adopted tribal ordinances, articles of incorporation, Board of Directors in place, tribal department).

(*b*) Formal provisions exist for separation of government functions from business operating decisions. An operating plan has been established and is submitted.

(*c*) The Board of Directors consists of persons who have prior business experience. A staffing plan has been developed and is submitted.

(*2*) The application contains all of the first element listed above, and some of the items in the second and third elements *OR*, the application contains all of the elements listed above, but in insufficient detail. The business should be able to operate effectively. (Moderate: 5 points)

(*3*) The application does not meet the criteria for the award of moderate points. (Unsatisfactory: 0 points)

(ii) *Rating Factor 2: Project Success.* (45 points)

We will rate the project on the adequacy and quality of the information included in the application which addresses the following criteria: *WE WILL NOT CONSIDER ANY PROJECT FOR FUNDING UNLESS IT RECEIVES AT LEAST MODERATE POINTS IN EACH OF THE FOLLOWING THREE RATING FACTORS.*

(*1*) *Market analysis.* (*a*) A feasibility/market analysis, generally not older than two years, identifying the market and demonstrating that the proposed activities are highly likely to capture a fair share of the market. *You must submit the analysis with your application.* (Maximum: 15 points)

(*b*) A feasibility/market analysis identifying the market and demonstrating that the proposed activities are reasonably likely to capture a fair share of the market. *You must submit the analysis with your application.* (Moderate: 10 points)

(*c*) Your submission does not meet the criteria for the award of moderate points. (Unsatisfactory: 0 points)

(*2*) *Management capacity.* (*a*) You have identified a management team with qualifying specialized training or technical/managerial experience in the operation of a similar business. *You must submit with your application job descriptions of key management positions as well as resumes showing qualifying specialized technical/managerial training or experience of the identified management team.* (Maximum: 15 points)

(*b*) You will hire a management team with qualifying general business training or experience if the grant is approved. *You must submit with your application job descriptions of key management positions.* (Moderate: 12 points)

(*c*) The submission does not meet the criteria for the award of 12 points. (Unsatisfactory: 0 points)

(*3*) *Financial Analysis of the Business.* (*a*) We will determine the financial viability of a project by analyzing financial and other project related

information. *You must submit the following for all proposed projects*:

(*i*) A detailed cost summary for the project;

(*ii*) Evidence of funding sources;

(*iii*) Five year operating or cash flow financial projections. If the project involves the expansion of an existing business, you must also submit with your application financial statements for the most recent three year period for the business (financial statements include the balance sheet, income statement and statement of retained earnings). For start-up businesses that will not be owned by the recipient, you must also submit with your application current financial or net worth statements of principal business owners or officers.

(*b*) The Area ONAP will review the information derived from the analysis and compare it to local or national industry standards to assess reasonableness of development costs, financial need, profitability, and risk as factors in determining overall financial viability. In determining whether a project is financially viable, the Area ONAP will also consider current and projected market conditions and profitability measures such as cash flow return on equity, cash flow return on total assets and the ratio of net profit before taxes to total assets. Sources of industry standards include Marshall and Swift Publication Company, Robert Morris Associates, Dun and Bradstreet, the Chamber of Commerce, etc. You may also use local standards. *If you cite one of these standards, you must submit the appropriate data with your application.*

(*c*) Based on the analysis:

(*i*) The project has an excellent chance of achieving financial success. (Maximum: 15 points)

(*ii*) The project has an average chance of achieving financial success. (Moderate: 8 points)

(*iii*) The project has a minimal prospect of achieving financial success. (Unsatisfactory: 0 points)

(iii) *Rating Factor 3: Leveraging.* We will award points under this component in a manner consistent with the definition of ''Leverage'' included in this NOFA and the following breakdown.

Non-ICDBG % of Project Cost	Points
30% or more	12
20–29.9%	8
10–19.9%	4
Less than 10%	0

(iv) *Rating Factor 4: Permanent Full-Time Equivalent Job Creation and Training.* (20 points). (*1*) You must identify or include in your application the total number of permanent full-time equivalent jobs expected to be created and/or retained as a result of the project as well as a summary of job descriptions. We will not count retained jobs unless you have provided clear evidence that these jobs would be lost without the project. You must identify the number and kind(s) of jobs expected to be available to low and moderate income persons.

(*2*) *ICDBG cost per job:*

$30,000 or less	15 points.
$30,001–40,000	12 points.
$40,001–45,000	8 points.
$45,001+	0 points.

(*3*) *Quality of jobs and/or training targeted to low and moderate income persons:*

(*a*) The jobs offer wages and benefits comparable to area wages and benefits for similar jobs, provide opportunity for advancement, and teach a transferable skill; *OR*

(*b*) The employer commits to provide training opportunities. *You must submit a description of the planned training program with your application.*

YES: 5 points
NO: 0 points

(v) *Rating Factor 5: Additional Considerations.* (15 points)

A project must meet three of the following factors to receive 15 points. (Maximum: 15 points)

(*1*) Use, improve or expand members' special skills. Special skills are those that members have developed through education, training or traditional cultural experiences.

YES: 5 points
NO: 0 points

(*2*) Provide spin-off benefits beyond the initial economic development benefits to employees or to the community.

YES: 5 points
NO: 0 points

(*3*) Provide special opportunities for residents of Federally-assisted housing.

YES: 5 points
NO: 0 points

(*4*) Provide benefits to other businesses owned by Indians or Alaska Natives.

YES: 5 points
NO: 0 points

(*5*) Loan Repayment/Reuse of ICDBG funds. If the business is not tribally owned, at least 50% of the ICDBG assistance to the business will be repaid to the grantee within a 10 year period. If the business is tribally owned, the tribe agrees (by submission of a tribal resolution) within a 10 year period to use funds equal to 50% of the ICDBG assistance for eligible activities that meet a national objective. These funds should come from the profits of the tribally owned business.

YES: 5 points
NO: 0 points

IV. Application Submission Requirements and Checklist

(A) *General.* You must submit your completed application *(one originally signed and two copies)* to the appropriate Area ONAP listed above. You may access any of the telephone numbers listed via TTY by calling the Federal Information Relay Service at 1–800–877–8339. To be eligible for consideration, your application must be received by or be submitted to the appropriate Area ONAP in accordance with the requirements set forth under **APPLICATION DUE DATE** above. You may submit only one application; however, an application may include more than one eligible project (e.g., housing and public facilities). In any event, the ICDBG grant amount requested may not total more than the grant ceiling. We will rate separately each project within your application.

(B) *Demographic data.* You may submit data that are unpublished and not generally available in order to meet the requirements of this section. You must certify that:

(1) Generally available, published data are substantially inaccurate or incomplete;

(2) Data provided have been collected systematically and are statistically reliable;

(3) Data are, to the greatest extent feasible, independently verifiable; and

(4) Data differentiate between reservation and BIA service area populations, when applicable.

(C) *Publication of Community Development Statement.* You must prepare and publish or post the community development statement portion of your application according to the citizen participation requirements of § 1003.604.

(D) *Application Submission.* Your application must include:

(1) Standard Form 424—Application for Federal Assistance;

(2) Community Development Statement which includes:

(a) Components that address the relevant selection criteria;

(b) A brief description or an updated description of community development needs;

(c) A brief description of projects proposed to address needs, including scope, magnitude, and method of implementing the project;

(d) A schedule for implementing the project (form HUD–4125, Implementation Schedule); and

(e) Cost information for each separate project, including specific activity costs, administration, planning, and technical assistance, total HUD share (form HUD–4123, Cost Summary);

(3) Certifications—form HUD 4126;

(4) Certification for a Drug-Free Workplace (form HUD 50070);

(5) Certification regarding lobbying (24 CFR part 87) and SF-LLL (if applicable);

(6) Applicant/Recipient Disclosure/Update Report—form HUD 2880, as required under subpart A of 24 CFR part 4, Accountability in the Provision of HUD Assistance;

(7) A map showing project location, if appropriate;

(8) If the proposed project will result in displacement or temporary relocation, a statement that identifies:

(a) The number of persons (families, individuals, businesses and nonprofit organizations) occupying the property on the date of the submission of the application (or date of initial site control, if later);

(b) The number to be displaced or temporarily relocated;

(c) The estimated cost of relocation payments and other services;

(d) The source of funds for relocation; and

(e) The organization that will carry out the relocation activities;

(9) If applicable, evidence of the disclosure required by 24 CFR 1003.606(e) regarding conflict of interest.

(10) If applicable, the demographic data certification described in Section IV(B) of the NOFA. The data accompanying the certification must identify the total number of persons benefiting from the project and the total number of low-and-moderate persons benefiting from the project. Supporting documentation should include a sample copy of a completed survey form and an explanation of the methods used to collect the data, and a listing of incomes by household.

(11) If the application has been submitted by a tribal organization as defined in 24 CFR Section 1003.5(b), on behalf of an Indian tribe, band, group, or nation, you must submit concurring resolutions from these entities.

(E) *Documentation requirements for point award for leveraged resources.*

(1) *General.* For your own resources, you must include in your application a council resolution (or legal equivalent) that identifies and commits the resources. For resources to be provided by another entity, you must include in your application written verification of an application or request for the leveraged resources.

(2) *Resources contributed by a public agency, foundation, or other private party.* (a) In addition to the requirement described in section IV.E.(1), above, for grants or other contributed resources from a public agency, foundation, or other private party, you must submit a *written commitment*, which may be contingent on approval of the ICDBG award, and it must be *received* by the Area ONAP no later than *30 days* after the application deadline. This commitment must specifically identify or indicate:

(i) The dollar amount committed (or dollar value of the noncash resource and the basis for the valuation);

(ii) That the resources are currently available or will be available when necessary for successful project implementation; and

(iii) The project.

(b) If the nature of the funding cycle of the contributing entity prevents the entity from making a firm funding commitment in the 30 days, we will consider these resources in the award of points if the entity provides a written statement that identifies the project and the dollar amount under consideration, indicates that the entity has received the application or request for assistance from the ICDBG applicant, and states the date by which its funding determination will be made. This date cannot be more than six months from the anticipated date of grant approval notification by HUD.

(c) If the proposed project rates high enough for funding consideration, we will establish a special condition in the grant agreement for the project. This condition will indicate that, if a firm funding commitment for the leveraged resources is not provided within six months of the date of grant approval, we will recapture the grant funds approved and will use them in accordance with the requirements of § 1003.102.

(d) The Area ONAP must receive the statement described in paragraph (c)(2)(ii) of this section no later than *30 days* after the application deadline. If the commitment or statement is not received in the required timeframe or if the required information is not included, we will not award points for the proposed contribution.

(e) If the proposed project still rates high enough to be approved, we will establish a pre-award condition that will require the applicant to provide evidence of firmly committed resources to cover the entire non-ICDBG project cost. If you do not meet this condition, we will not make the grant award.

(3) *Contributions of goods and services.* In addition to the above requirements for point award, you must include in your application special documentation for certain contributions. We will consider the contribution of goods and services for point award if your application meets the applicable requirements listed above; if you demonstrate and we determine that the items or services are necessary to the actual development of the project; and you have submitted comparable cost and/or time estimates that support the donation.

(4) *Contributions of land.* We will consider land to be contributed for point award when its use and area are integral to the development of the project. In addition, you must verify the value of the land by any of the following means or methods and must include this documentation in your application:

(a) A site specific appraisal no more than two years old;

(b) An appraisal of a nearby comparable site also no more than two years old; and

(c) A reasonable extrapolation of land value based on current area realtors value guides.

(5) *Indirect costs.* We will not consider the contribution of indirect administrative costs as identified in OMB Circular A–87, attachment A, section F, as a leveraged resource for purposes of point award.

(6) *Operations and maintenance expenditures.* We will not consider the contribution of resources to pay for the anticipated operations and maintenance costs of any proposed project to be leveraged resources for purposes of point award.

V. Clarifying Information

After the application due date, Area ONAPs may not, consistent with 24 CFR part 4, subpart B, consider unsolicited information from you. The Area ONAP may however, but is under no obligation to, contact you to clarify an item in the application. You should note, however, that the Area ONAP may not seek clarification of items or responses that improve the substantive quality of the applicant's response to any eligibility or selection criterion. The Area ONAP will make any requests for clarifying information in writing and will specify the item, or items, that need clarification and a timeframe for response. Failure on your part to provide such requested information will result in the rejection of the application.

VI. Correction of Technical Deficiencies

A technical deficiency is an error or oversight which, if corrected, would not

alter, either in a positive or negative fashion, the review and rating of an application. Examples of technical deficiencies include the failure to submit the proper certifications or the failure to have an original signature of an authorized official, as required, on an application form. As indicated under Section III(A)(2)(f) above, only successful applicants will be required to address technical deficiencies and this must be done before we make a grant award. If you do not provide the information necessary to address the deficiency within the time allowed, we will not award you the grant and will reject your application. The Area ONAP will notify you in writing and will describe the technical deficiency, what must be done to correct it, and the date by which you must submit this information. The Area ONAP will notify you by facsimile or by return receipt requested. Your response must be submitted (postmarked) by no later than the date established by the Area ONAP. The Area ONAP must provide you at least 14 calendar days to respond to the request.

VII. Error and Appeals

Rating panel judgments made within the provisions of this NOFA and the program regulations (24 CFR 1003) are not subject to claims of error. You may bring arithmetic errors in the rating and ranking of applications to the attention of an Area ONAP within 30 days of being informed of your score. If an Area ONAP makes an arithmetic error in the application review and rating process which, when corrected, would result in the award of sufficient points to warrant the funding of an otherwise approvable project, the Area ONAP may fund that project in the next funding round without further competition.

VIII. Findings and Certifications

(A) *Paperwork Reduction Act Statement.* The information collection requirements contained in this Notice have been approved by the Office of Management and Budget in accordance with the Paperwork Reduction Act of 1995 (44 U.S.C. 3501–3520), and assigned OMB control number 2577–0191. *An agency may not conduct or sponsor, and a person is not required to respond to, a collection of information unless the collection displays a valid control number.*

(B) *Environmental Impact.* This NOFA provides funding under, and does not alter the environmental requirements of, regulations in 24 CFR part 1003. Accordingly, under 24 CFR 50.19(c)(5), this NOFA is categorically excluded from environmental review under the National Environmental Policy Act of 1969 (42 U.S.C. 4321), and a Finding of No Significant Impact (FONSI) is not required.

(C) *Recipient Compliance with Environmental Requirements.* In accordance with 24 CFR 1003.605, a recipient must comply with the environmental review requirements of 24 CFR part 58, including limitations on the commitment of ICDBG or non-HUD funds on an ICDBG project before HUD approval of the Request for Release of Funds and Certification. If you commit or expend ICDBG or non-HUD funds on a project activity that requires environmental review before HUD approves your certification that the review is complete and your Request for the Release of Funds, ICDBG funding for the project may be denied.

(D) *Federalism, Executive Order 12612.* The General Counsel, as the Designated Official under section 6(a) of Executive Order 12612, *Federalism,* has determined that this NOFA will not have substantial, direct effects on states, on their political subdivisions, or on their relationship with the Federal Government, or on the distribution of power and responsibilities between them and other levels of government. While the NOFA will provide financial assistance to Indian tribes, none of its provisions will have an effect on the relationship between the Federal Government and the states or their political subdivisions.

(E) *Prohibition Against Lobbying Activities.* Applicants for funding under this NOFA are subject to the provisions of section 319 of the Department of the Interior and Related Agencies Appropriation Act for Fiscal Year 1991, 31 U.S.C. 1352 (the Byrd Amendment), which prohibits recipients of Federal contracts, grants, or loans from using appropriated funds for lobbying the executive or legislative branches of the Federal Government in connection with a specific contract, grant, or loan. Applicants are required to certify, using the certification found at Appendix A to 24 CFR part 87, that they will not, and have not, used appropriated funds for any prohibited lobbying activities. In addition, applicants must disclose, using Standard Form LLL, ''Disclosure of Lobbying Activities,'' any funds, other than Federally appropriated funds, that will be or have been used to influence Federal employees, members of Congress, and congressional staff regarding specific grants or contracts.

(F) *Section 102 of the HUD Reform Act; Documentation and Public Access Requirements.* Section 102 of the Department of Housing and Urban Development Reform Act of 1989 (42 U.S.C. 3545) (HUD Reform Act) and the regulations codified in 24 CFR part 4, subpart A, contain a number of provisions that are designed to ensure greater accountability and integrity in the provision of certain types of assistance administered by HUD. On January 14, 1992 (57 FR 1942), HUD published a notice that also provides information on the implementation of section 102. The documentation, public access, and disclosure requirements of section 102 apply to assistance awarded under this NOFA as follows:

(1) *Documentation and public access requirements.* HUD will ensure that documentation and other information regarding each application submitted pursuant to this NOFA are sufficient to indicate the basis upon which assistance was provided or denied. This material, including any letters of support, will be made available for public inspection for a 5-year period beginning not less than 30 days after the award of the assistance. Material will be made available in accordance with the Freedom of Information Act (5 U.S.C. 552) and HUD's implementing regulations in 24 CFR part 15. In addition, HUD will include the recipients of assistance pursuant to this NOFA in its **Federal Register** notice of all recipients of HUD assistance awarded on a competitive basis.

(2) *Disclosures.* HUD will make available to the public for 5 years all applicant disclosure reports (HUD Form 2880) submitted in connection with this NOFA. Update reports (also Form 2880) will be made available along with the applicant disclosure reports, but in no case for a period less than 3 years. All reports—both applicant disclosures and updates—will be made available in accordance with the Freedom of Information Act (5 U.S.C. 552) and HUD's implementing regulations at 24 CFR part 15.

(G) *Section 103—HUD Reform Act.* HUD's regulations implementing section 103 of the Department of Housing and Urban Development Reform Act of 1989 (42 U.S.C. 3537a), codified in 24 CFR part 4, apply to this funding competition. The regulations continue to apply until the announcement of the selection of successful applicants. HUD employees involved in the review of applications and in the making of funding decisions are limited by the regulations from providing advance information to any person (other than an authorized employee of HUD) concerning funding decisions, or from otherwise giving any applicant an unfair competitive advantage. Persons who apply for assistance in this competition should confine their inquiries to the

subject areas permitted under 24 CFR part 4.

Applicants or employees who have ethics related questions should contact HUD's Ethics Law Division (202) 708–3815. (This is not a toll-free number.) For HUD employees who have specific program questions, the employee should contact the appropriate Area ONAP or Headquarters counsel.

(H) *Catalog of Federal Domestic Assistance Number.* The Catalog of Federal Domestic Assistance Number for the ICDBG Program is 14.862.

Dated: February 11, 1999.

Harold Lucas,

Assistant Secretary for Public and Indian Housing.

[FR Doc. 99–4286 Filed 2–19–99; 8:45 am]

BILLING CODE 4210–33–P

Reader Aids

Federal Register

Vol. 64, No. 34

Monday, February 22, 1999

CUSTOMER SERVICE AND INFORMATION

Federal Register/Code of Federal Regulations

General Information, indexes and other finding aids	**202–523–5227**
Laws	**523–5227**

Presidential Documents

Executive orders and proclamations	**523–5227**
The United States Government Manual	**523–5227**

Other Services

Electronic and on-line services (voice)	**523–4534**
Privacy Act Compilation	**523–3187**
Public Laws Update Service (numbers, dates, etc.)	**523–6641**
TTY for the deaf-and-hard-of-hearing	**523–5229**

ELECTRONIC RESEARCH

World Wide Web

Full text of the daily Federal Register, CFR and other publications:

http://www.access.gpo.gov/nara

Federal Register information and research tools, including Public Inspection List, indexes, and links to GPO Access:

http://www.nara.gov/fedreg

E-mail

PENS (Public Law Electronic Notification Service) is an E-mail service that delivers information about recently enacted Public Laws. To subscribe, send E-mail to

listproc@lucky.fed.gov

with the text message:

subscribe publaws-l <firstname> <lastname>

Use listproc@lucky.fed.gov only to subscribe or unsubscribe to PENS. We cannot respond to specific inquiries at that address.

Reference questions. Send questions and comments about the Federal Register system to:

info@fedreg.nara.gov

The Federal Register staff cannot interpret specific documents or regulations.

FEDERAL REGISTER PAGES AND DATES, FEBRUARY

4777–4956 1
4957–5148 2
5149–5584 3
5585–5708 4
5709–5926 5
5927–6186 8
6187–6494 9
6495–6778 10
6779–7056 11
7057–7488 12
7489–7770 16
7771–7988 17
7989–8224 18
8225–8498 19
8499–8710 22

CFR PARTS AFFECTED DURING FEBRUARY

At the end of each month, the Office of the Federal Register publishes separately a List of CFR Sections Affected (LSA), which lists parts and sections affected by documents published since the revision date of each title.

3 CFR

Proclamations:
7164 5583
7165 5585
7166 6181
7167 6775

Executive Orders:
11987 (Revoked by EO 13112) 6183
13035 (amended by 13113) 7489
13112 6183
13113 7489

Administrative Orders:
Presidential Determinations:
No. 99–10 of January 25, 1999 5923
No. 99–11 of January 28, 1999 6771
No. 99–12 of February 3, 1999 6779
No. 99–13 of February 4, 1999 6781

5 CFR

2641 5709

Proposed Rules:
1651 6818

7 CFR

301 4777
761 6495
762 7358
800 6783
868 7057
956 4928
1065 4957
1530 7059
1755 6498
1980 7358

Proposed Rules:
Ch. I 8014
457 8015
Ch. IX 8014
Ch. X 8014
Ch. XI 8014
1755 6577

8 CFR

3 8478
103 8478
208 8478
212 7989
235 8478
238 8478
240 8478
241 8478
244 4780
253 8478
274a 6187
312 7990
499 7990
507 8478

9 CFR

Proposed Rules:
94 ..... 6819, 7816

10 CFR

Proposed Rules:
2 8640
19 8640
20 8640
21 8640
30 8640
35 5721
40 8640
50 5623
51 8640
60 8640
61 8640
63 8640

11 CFR

Proposed Rules:
100 ..... 5200, 8270
114 8270
9003 8270
9004 8270
9007 8270
9008 8270
9032 8270
9033 8270
9034 8270
9035 8270
9036 8270
9038 8270

12 CFR

561 6502
611 6784
701 5927
904 5929

Proposed Rules:
584 5982
615 8018
910 6819

13 CFR

Ch. III 5348
120 6503

Proposed Rules:
107 6256

14 CFR

11 7065
23 6510
25 6120
34 5556
39 ..... 4959, 5093, 5149, 5587, 5588, 5590, 5592, 5710, 6189, 6512, 6514, 6516, 6518, 6521, 6522, 6784, 6786, 6788, 6791, 7491,

7493, 7493, 7498, 7771, 7773, 7774, 7993, 8225, 8227, 8230, 8232, 8233, 8499, 8500
71 .....4782, 4783, 4784, 5150, 5151, 5712, 5930, 6138, 6793, 6797, 6798, 6799, 6800, 7499, 7994, 7995, 8234, 8502, 8504, 8505, 8506, 8507, 8508
73 7777
91 .....5152, 7066
93 5152
95 8234
97 .....5154, 5594, 7778, 7779, 7781
121 .....5152, 7066
125 7066
135 .....5152, 7065, 7066
Proposed Rules:
39 .....4791, 5985, 6259, 6577, 7822, 7827, 7829, 7830, 8020, 8022, 8024, 8026, 8027, 8029, 8530
71 .....4793, 4794, 4795, 4796, 4797, 4799, 4800, 5093, 6579, 6580, 6581, 6582, 6583, 6823, 7141, 7142, 7143, 7558, 8031, 8167, 8271, 8272, 8445
382 7833

15 CFR

772 5931
774 5931
Proposed Rules:
30 7412

16 CFR

305 7783

17 CFR

232 5865
240 5865
249 5865
270 5156
Proposed Rules:
15 5200
17 5200
210 6251
228 6261
229 6261
230 6261
240 6261
249 6261
260 6261
275 5722
279 5722

18 CFR

157 8239
37 7995
284 5157
Proposed Rules:
37 5206

19 CFR

24 7500
101 7501
122 7501
123 7502
146 6801
178 7500
Proposed Rules:
4 7422
101 7422
192 7422

20 CFR

Proposed Rules:
404 .....6824, 7559
416 7559
655 5725
656 5725

21 CFR

5 4964
172 7066
173 7066
177 4785
184 7066
522 5595
556 5158
558 .....4965, 5158, 5596
564 6801
Proposed Rules:
179 7834
315 7561
601 7561
876 5987
1020 6288
1300 7144
1310 7144

22 CFR

41 7998
514 6191
706 8239
713 8239
Proposed Rules:
22 6584
50 5725
51 5725

23 CFR

Proposed Rules:
180 5996

24 CFR

180 6744
291 6470
903 8170
990 5570
Proposed Rules:
203 .....7726, 8532
761 8210
990 6138

25 CFR

542 4966
Proposed Rules:
170 6825

26 CFR

1 .....5597, 5713
54 5160
301 4967
602 .....4967, 5160, 5597, 5713
Proposed Rules:
1 .....4801, 5012, 5015
53 5727
54 5237

27 CFR

9 7785
Proposed Rules:
4 6486
5 6486
7 6486

28 CFR

0 6526
2 5611
68 7066
Proposed Rules:
25 7562

29 CFR

2200 8243
4044 7083

30 CFR

707 7470
874 7470
902 8510
913 6191
944 8514
948 6201
Proposed Rules:
57 7144
72 7144
75 7144
227 6586
250 7837
700 8464
740 8464
746 8464
750 8464
914 6150
935 6005
943 7145

31 CFR

357 6526
501 5614

32 CFR

199 7084
235 6218

33 CFR

55 6527
100 7999
117 .....4786, 4787, 5717, 6220, 7788, 8000
165 .....5935, 7089, 8001, 8002
Proposed Rules:
100 .....4812, 4814
117 .....6290, 8033
165 .....6006, 7147
173 4816

34 CFR

655 7738
656 7738
658 7738
660 7738
669 7738

36 CFR

212 7290
Proposed Rules:
1228 4818

37 CFR

255 6221

38 CFR

20 7090

39 CFR

111 6802

40 CFR

9 7032
51 .....5188, 7458
52 .....5936, 6223, 6226, 6228, 6231, 6803, 7091, 7788, 7790, 8517
60 7458
61 .....5574, 7458, 7793
62 6234
63 .....5189, 7458, 7793
70 8523
71 8247
136 4975
180 .....5190, 6529, 6532, 6539, 6542, 7794, 7801, 8526
186 6542
261 6806
300 6814
370 7032
Proposed Rules:
52 .....5015, 6008, 6292, 6293, 6827, 7308, 7840, 8034, 8532
60 5728
62 6294
63 .....5251, 6945, 7149
70 8533
79 6294
82 .....8038, 8043
83 6008
90 5251
91 5251
165 6588
180 8273
260 7158
261 .....7158, 8278
262 4818
300 7564
435 5488
745 .....5258, 7159

41 CFR

Ch. 301 .....6549, 6550
101–47 5615
Proposed Rules:
101–25 6589
101–31 6589
101–38 6589
300–80 6590

42 CFR

Proposed Rules:
410 6827
414 6827
422 7968
424 6827
476 6827
498 6827

43 CFR

Proposed Rules:
3800 6422

44 CFR

64 .....4978, 7504
65 .....7107, 7108, 7505
67 7109
Proposed Rules:
67 7570
77 8048
80 8048
81 8048
82 8048
83 8048
152 8048
207 8048
220 8048
221 8048
222 8048
301 8048

303....8048
306....8048
308....8048
320....8048
324....8048
325....8048
328....8048
333....8048
336....8048

45 CFR

301....6237
302....6237
303....6237
304....6237
305....6237
1309....5939

Proposed Rules:

1309....6013
1641....5728

46 CFR

1....4981
10....4981
502....7804
545....7804
550....8007
551....8007
555....8007
560....8007
565....8007
571....7804
585....8007
586....8007
587....8007
588....8007

47 CFR

0....4984, 5950
2....4984, 6138
11....5950
15....4984
25....4984, 6565
64....4999
68....4984
73....5718, 5719, 5720, 7113, 7813
76....5950, 6565
80....6253
100....5951

Proposed Rules:

2....7577
25....7577
64....7746
73....5623, 5624, 5625, 5626, 5736, 5737, 5738, 5739, 5740, 6020, 6296, 6591, 6852, 7577, 7841, 7842, 7843, 7844, 7845, 7846, 7847, 7848
74....6296

48 CFR

511....4788
516....4788
542....4788
552....4788
705....5005
706....5005
709....5005
716....5005
722....5005
731....5005
732....5005
745....5005
747....5005
752....5005
1804....5620
1807....5620
1808....5620
1813....5620
1816....5620
1819....5620
1827....5620
1832....5620
1833....5620
1836....5620
1844....5620
1852....5620
1853....5620

Proposed Rules:

32....6758
47....7736
52....6758, 7736

49 CFR

1....7813
23....5096
24....7127
26....5096
195....6814
268....7133
360....7134
555....5866
567....6815
571....7139
581....5866
800....5621
835....5621
1002....5191
1312....5194

Proposed Rules:

192....5018
195....5018
244....4833
261....5996
390....7849
396....7849
567....6852
571....4834, 5259, 6021, 6591
583....6021
640....5996
661....8051

50 CFR

17....5957, 5963
20....7507, 7517
21....7517
229....7529
600....5093, 6943
622....5195, 7556
648....5196, 8263
649....8263
660....6943
679....4790, 5198, 5720, 7557, 7814, 7815, 8013, 8269, 8529

Proposed Rules:

17....7587, 8533
226....5740
253....6854
300....6869
622....8052
648....5754, 6595, 7601
649....6596
660....6597
679....5868, 6025
697....6596

REMINDERS

The items in this list were editorially compiled as an aid to Federal Register users. Inclusion or exclusion from this list has no legal significance.

RULES GOING INTO EFFECT FEBRUARY 22, 1999

ENVIRONMENTAL PROTECTION AGENCY

Air quality implementation plans; approval and promulgation; various States:

Missouri; published 12-22-98

Tennessee; published 12-22-98

Pesticides; tolerances in food, animal feeds, and raw agricultural commodities:

Formic acid; published 2-22-99

HEALTH AND HUMAN SERVICES DEPARTMENT

Food and Drug Administration

Human drugs:

Category II and III (OTC); additional active ingredients status; published 8-24-98

Medical devices:

Corrections and removal reports; published 11-18-98

Investigational plans; modifications, changes to devices, clinical protocol, etc.; published 11-23-98

INTERIOR DEPARTMENT

Surface Mining Reclamation and Enforcement Office

Permanent program and abandoned mine land reclamation plan submissions:

Alaska; published 2-22-99

Utah; published 2-22-99

SECURITIES AND EXCHANGE COMMISSION

Securities:

Derivatives securities; listing and trading of new products by self-regulatory organizations; published 12-22-98

TRANSPORTATION DEPARTMENT

Coast Guard

Regattas and marine parades:

Eighth Coast Guard District annual marine events; published 12-22-98

TRANSPORTATION DEPARTMENT

Economic regulations:

Commuter air carriers; fitness applications; filing location change; published 1-21-99

Foreign air carriers, charter trips; airline codesharing agreements and authorization statements; filing location change; published 1-21-99

COMMENTS DUE NEXT WEEK

AGRICULTURE DEPARTMENT

Animal and Plant Health Inspection Service

Exportation and importation of animals and animal products:

Bovine spongiform encephalopathy; disease status change—

Liechtenstein; comments due by 2-22-99; published 12-24-98

COMMERCE DEPARTMENT

National Oceanic and Atmospheric Administration

Fishery conservation and management:

Alaska; fisheries of Exclusive Economic Zone—

Pollock; Steller sea lion protection measures; comments due by 2-22-99; published 1-22-99

Pollock; Steller sea lion protection measures; comments due by 2-22-99; published 0-0- 0

Recordkeeping and reporting requirements; revisions; comments due by 2-22-99; published 2-5-99

Western Alaska community development quota program; comments due by 2-25-99; published 1-26-99

Atlantic coastal fisheries cooperative management—

American lobster; comments due by 2-26-99; published 2-10-99

West Coast States and Western Pacific fisheries—

Bottomfish and seamount groundfish; comments due by 2-22-99; published 1-6-99

International fisheries regulations:

Pacific halibut; catch sharing plan; comments due by 2-26-99; published 2-11-99

Marine mammals:

Commercial fishing authorizations—

Pacific offshore cetacean take reduction plan; placement of acoustic deterrent devices in nets of California/Oregon drift gillnet fishery; comments due by 2-22-99; published 1-22-99

ENVIRONMENTAL PROTECTION AGENCY

Air pollution control; new motor vehicles and engines:

Compression-ignition marine engines at or above 37 kilowatts; comments due by 2-26-99; published 12-11-98

Air programs:

Stratospheric ozone protection—

New alternatives policy program; unacceptable refrigerants; listing; comments due by 2-25-99; published 1-26-99

New alternatives policy program; unacceptable refrigerents; listing; comments due by 2-25-99; published 1-26-99

Air quality implementation plans; approval and promulgation; various States:

California; comments due by 2-22-99; published 1-21-99

Kansas; comments due by 2-25-99; published 1-26-99

Maryland; comments due by 2-25-99; published 1-26-99

Missouri; comments due by 2-25-99; published 1-26-99

Texas; comments due by 2-25-99; published 1-26-99

Virginia; comments due by 2-22-99; published 1-22-99

Air quality implementation plans; √A√approval and promulgation; various States; air quality planning purposes; designation of areas:

Missouri; comments due by 2-25-99; published 1-26-99

Utah; comments due by 2-22-99; published 1-21-99

Clean Air Act:

Interstate ozone transport reduction—

Section 126 petitions and Federal implementation plans; comments due by 2-22-99; published 1-13-99

Pesticides; tolerances in food, animal feeds, and raw agricultural commodities:

Triazamate; comments due by 2-22-99; published 12-23-98

FEDERAL EMERGENCY MANAGEMENT AGENCY

Flood insurance program:

Insurance coverage and rates—

Pre-FIRM buildings in coastal areas subject to high velocity waters; premium increase; comments due by 2-25-99; published 1-26-99

HEALTH AND HUMAN SERVICES DEPARTMENT

Health Care Financing Administration

Medicare:

Ambulance fee schedule; negotiated rulemaking committee; intent to establish and meeting; comments due by 2-22-99; published 1-22-99

HEALTH AND HUMAN SERVICES DEPARTMENT

Health Resources and Services Administration

National practitioner data bank for adverse information on physicians and other health care practitioners:

Medical malpractice payments reporting requirements; comments due by 2-22-99; published 12-24-98

HOUSING AND URBAN DEVELOPMENT DEPARTMENT

Community development block grants:

Fair housing performance standards for acceptance of consolidated plan certifications and compliance with performance review criteria; comments due by 2-26-99; published 12-28-98

INTERIOR DEPARTMENT

Fish and Wildlife Service

Endangered and threatened species:

Desert yellowhead; comments due by 2-22-99; published 12-22-98

INTERIOR DEPARTMENT

Surface Mining Reclamation and Enforcement Office

Permanent program and abandoned mine land

reclamation plan submissions:
Kentucky; comments due by 2-24-99; published 1-25-99

LABOR DEPARTMENT

Mine Safety and Health Administration

Metal and nonmetal mine safety and health:
Underground mines—
Diesel particulate matter exposure of miners; comments due by 2-26-99; published 10-29-98

NATIONAL CREDIT UNION ADMINISTRATION

Credit unions:
Mergers or conversions of federally-insured credit unions—
Mutual savings banks; comments due by 2-25-99; published 11-27-98

NUCLEAR REGULATORY COMMISSION

Rulemaking petitions:
Nuclear Information and Resource Service; comments due by 2-24-99; published 1-25-99

SMALL BUSINESS ADMINISTRATION

Federal claims collection:
Debt collection through offset; comments due by 2-22-99; published 1-22-99

SOCIAL SECURITY ADMINISTRATION

Social security benefits:
Federal old age, survivors and disability insurance and aged, blind, and disabled—
Employer identification numbers for State and local government employment; comments due by 2-22-99; published 12-24-98

TRANSPORTATION DEPARTMENT

Coast Guard

Management information system requirements:
Chemical testing; comments due by 2-22-99; published 12-24-98

Ports and waterways safety:
Wall Street and West 30th Street heliports and Marine Air Terminal, La Guardia Airport, NY; dignitary arrival/departure security zones; comments due by 2-22-99; published 12-22-98

TRANSPORTATION DEPARTMENT

Federal Aviation Administration

Airworthiness directives:
Avions Pierre Robin; comments due by 2-22-99; published 1-19-99
Boeing; comments due by 2-22-99; published 12-24-98
Class E airspace; comments due by 2-26-99; published 1-11-99
Dornier; comments due by 2-22-99; published 1-28-99
Relative Workshop; comments due by 2-26-99; published 1-6-99

Class D and Class E airspace; comments due by 2-22-99; published 1-21-99
Class D and Class E airspace; correction; comments due by 2-22-99; published 2-2-99
Class E airspace; comments due by 2-25-99; published 1-26-99
Class E airspace; correction; comments due by 2-26-99; published 2-2-99

TREASURY DEPARTMENT

Internal Revenue Service

Excise taxes:
Charitable organizations; qualification requirements; excess benefit transactions; hearing; comments due by 2-24-99; published 2-5-99

Procedure and administration:
Census Bureau; return information disclosure; cross reference; comments due by 2-24-99; published 1-25-99

CFR CHECKLIST

This checklist, prepared by the Office of the Federal Register, is published weekly. It is arranged in the order of CFR titles, stock numbers, prices, and revision dates.

An asterisk (*) precedes each entry that has been issued since last week and which is now available for sale at the Government Printing Office.

A checklist of current CFR volumes comprising a complete CFR set, also appears in the latest issue of the LSA (List of CFR Sections Affected), which is revised monthly.

The CFR is available free on-line through the Government Printing Office's GPO Access Service at http://www.access.gpo.gov/nara/cfr/index.html. For information about GPO Access call the GPO User Support Team at 1-888-293-6498 (toll free) or 202-512-1530.

The annual rate for subscription to all revised paper volumes is $951.00 domestic, $237.75 additional for foreign mailing.

Mail orders to the Superintendent of Documents, Attn: New Orders, P.O. Box 371954, Pittsburgh, PA 15250–7954. All orders must be accompanied by remittance (check, money order, GPO Deposit Account, VISA, Master Card, or Discover). Charge orders may be telephoned to the GPO Order Desk, Monday through Friday, at **(202) 512–1800** from 8:00 a.m. to 4:00 p.m. eastern time, or FAX your charge orders to **(202) 512-2250**.

Title	Stock Number	Price	Revision Date
1, 2 (2 Reserved)	(869–034–00001–1)	5.00	[5] Jan. 1, 1998
3 (1997 Compilation and Parts 100 and 101)	(869–034–00002–9)	19.00	[1] Jan. 1, 1998
4	(869–034–00003–7)	7.00	[5] Jan. 1, 1998
5 Parts:			
1–699	(869–034–00004–5)	35.00	Jan. 1, 1998
700–1199	(869–034–00005–3)	26.00	Jan. 1, 1998
1200–End, 6 (6 Reserved)	(869–034–00006–1)	39.00	Jan. 1, 1998
7 Parts:			
1–26	(869–034–00007–0)	24.00	Jan. 1, 1998
27–52	(869–034–00008–8)	30.00	Jan. 1, 1998
53–209	(869–034–00009–6)	20.00	Jan. 1, 1998
210–299	(869–034–00010–0)	44.00	Jan. 1, 1998
300–399	(869–034–00011–8)	24.00	Jan. 1, 1998
400–699	(869–034–00012–6)	33.00	Jan. 1, 1998
700–899	(869–034–00013–4)	30.00	Jan. 1, 1998
900–999	(869–034–00014–2)	39.00	Jan. 1, 1998
1000–1199	(869–034–00015–1)	44.00	Jan. 1, 1998
1200–1599	(869–034–00016–9)	34.00	Jan. 1, 1998
1600–1899	(869–034–00017–7)	58.00	Jan. 1, 1998
1900–1939	(869–034–00018–5)	18.00	Jan. 1, 1998
1940–1949	(869–034–00019–3)	33.00	Jan. 1, 1998
1950–1999	(869–034–00020–7)	40.00	Jan. 1, 1998
2000–End	(869–034–00021–5)	24.00	Jan. 1, 1998
8	(869–034–00022–3)	33.00	Jan. 1, 1998
9 Parts:			
1–199	(869–034–00023–1)	40.00	Jan. 1, 1998
200–End	(869–034–00024–0)	33.00	Jan. 1, 1998
10 Parts:			
0–50	(869–034–00025–8)	39.00	Jan. 1, 1998
51–199	(869–034–00026–6)	32.00	Jan. 1, 1998
200–499	(869–034–00027–4)	31.00	Jan. 1, 1998
500–End	(869–034–00028–2)	43.00	Jan. 1, 1998
11	(869–034–00029–1)	19.00	Jan. 1, 1998
12 Parts:			
1–199	(869–034–00030–4)	17.00	Jan. 1, 1998
200–219	(869–034–00031–2)	21.00	Jan. 1, 1998
220–299	(869–034–00032–1)	39.00	Jan. 1, 1998
300–499	(869–034–00033–9)	23.00	Jan. 1, 1998
500–599	(869–034–00034–7)	24.00	Jan. 1, 1998
600–End	(869–034–00035–5)	44.00	Jan. 1, 1998
13	(869–034–00036–3)	23.00	Jan. 1, 1998
14 Parts:			
1–59	(869–034–00037–1)	47.00	Jan. 1, 1998
60–139	(869–034–00038–0)	40.00	Jan. 1, 1998
140–199	(869–034–00039–8)	16.00	Jan. 1, 1998
200–1199	(869–034–00040–1)	29.00	Jan. 1, 1998
1200–End	(869–034–00041–0)	23.00	Jan. 1, 1998
15 Parts:			
0–299	(869–034–00042–8)	22.00	Jan. 1, 1998
300–799	(869–034–00043–6)	33.00	Jan. 1, 1998
800–End	(869–034–00044–4)	23.00	Jan. 1, 1998
16 Parts:			
0–999	(869–034–00045–2)	30.00	Jan. 1, 1998
1000–End	(869–034–00046–1)	33.00	Jan. 1, 1998
17 Parts:			
1–199	(869–034–00048–7)	27.00	Apr. 1, 1998
200–239	(869–034–00049–5)	32.00	Apr. 1, 1998
240–End	(869–034–00050–9)	40.00	Apr. 1, 1998
18 Parts:			
1–399	(869–034–00051–7)	45.00	Apr. 1, 1998
400–End	(869–034–00052–5)	13.00	Apr. 1, 1998
19 Parts:			
1–140	(869–034–00053–3)	34.00	Apr. 1, 1998
141–199	(869–034–00054–1)	33.00	Apr. 1, 1998
200–End	(869–034–00055–0)	15.00	Apr. 1, 1998
20 Parts:			
1–399	(869–034–00056–8)	29.00	Apr. 1, 1998
400–499	(869–034–00057–6)	28.00	Apr. 1, 1998
500–End	(869–034–00058–4)	44.00	Apr. 1, 1998
21 Parts:			
1–99	(869–034–00059–2)	21.00	Apr. 1, 1998
100–169	(869–034–00060–6)	27.00	Apr. 1, 1998
170–199	(869–034–00061–4)	28.00	Apr. 1, 1998
200–299	(869–034–00062–2)	9.00	Apr. 1, 1998
300–499	(869–034–00063–1)	50.00	Apr. 1, 1998
500–599	(869–034–00064–9)	28.00	Apr. 1, 1998
600–799	(869–034–00065–7)	9.00	Apr. 1, 1998
800–1299	(869–034–00066–5)	32.00	Apr. 1, 1998
1300–End	(869–034–00067–3)	12.00	Apr. 1, 1998
22 Parts:			
1–299	(869–034–00068–1)	41.00	Apr. 1, 1998
300–End	(869–034–00069–0)	31.00	Apr. 1, 1998
23	(869–034–00070–3)	25.00	Apr. 1, 1998
24 Parts:			
0–199	(869–034–00071–1)	32.00	Apr. 1, 1998
200–499	(869–034–00072–0)	28.00	Apr. 1, 1998
500–699	(869–034–00073–8)	17.00	Apr. 1, 1998
700–1699	(869–034–00074–6)	45.00	Apr. 1, 1998
1700–End	(869–034–00075–4)	17.00	Apr. 1, 1998
25	(869–034–00076–2)	42.00	Apr. 1, 1998
26 Parts:			
§§ 1.0-1–1.60	(869–034–00077–1)	26.00	Apr. 1, 1998
§§ 1.61–1.169	(869–034–00078–9)	48.00	Apr. 1, 1998
§§ 1.170–1.300	(869–034–00079–7)	31.00	Apr. 1, 1998
§§ 1.301–1.400	(869–034–00080–1)	23.00	Apr. 1, 1998
§§ 1.401–1.440	(869–034–00081–9)	39.00	Apr. 1, 1998
§§ 1.441-1.500	(869-034-00082-7)	29.00	Apr. 1, 1998
§§ 1.501–1.640	(869–034–00083–5)	27.00	Apr. 1, 1998
§§ 1.641–1.850	(869–034–00084–3)	32.00	Apr. 1, 1998
§§ 1.851–1.907	(869–034–00085–1)	36.00	Apr. 1, 1998
§§ 1.908–1.1000	(869–034–00086–0)	35.00	Apr. 1, 1998
§§ 1.1001–1.1400	(869–034–00087–8)	38.00	Apr. 1, 1998
§§ 1.1401–End	(869–034–00088–6)	51.00	Apr. 1, 1998
2–29	(869–034–00089–4)	36.00	Apr. 1, 1998
30–39	(869–034–00090–8)	25.00	Apr. 1, 1998
40–49	(869–034–00091–6)	16.00	Apr. 1, 1998
50–299	(869–034–00092–4)	19.00	Apr. 1, 1998
300–499	(869–034–00093–2)	34.00	Apr. 1, 1998
500–599	(869–034–00094–1)	10.00	Apr. 1, 1998
600–End	(869–034–00095–9)	9.00	Apr. 1, 1998
27 Parts:			
1–199	(869–034–00096–7)	49.00	Apr. 1, 1998

Title	Stock Number	Price	Revision Date
200–End	(869–034–00097–5)	17.00	[6] Apr. 1, 1998
28 Parts:			
0-42	(869–034–00098–3)	36.00	July 1, 1998
43-end	(869-034-00099-1)	30.00	July 1, 1998
29 Parts:			
0–99	(869–034–00100–9)	26.00	July 1, 1998
100–499	(869–034–00101–7)	12.00	July 1, 1998
500–899	(869–034–00102–5)	40.00	July 1, 1998
900–1899	(869–034–00103–3)	20.00	July 1, 1998
1900–1910 (§§ 1900 to 1910.999)	(869–034–00104–1)	44.00	July 1, 1998
1910 (§§ 1910.1000 to end)	(869–034–00105–0)	27.00	July 1, 1998
1911–1925	(869–034–00106–8)	17.00	July 1, 1998
1926	(869–034–00107–6)	30.00	July 1, 1998
1927–End	(869–034–00108–4)	41.00	July 1, 1998
30 Parts:			
1–199	(869–034–00109–2)	33.00	July 1, 1998
200–699	(869–034–00110–6)	29.00	July 1, 1998
700–End	(869–034–00111–4)	33.00	July 1, 1998
31 Parts:			
0–199	(869–034–00112–2)	20.00	July 1, 1998
200–End	(869–034–00113–1)	46.00	July 1, 1998
32 Parts:			
1–39, Vol. I		15.00	[2] July 1, 1984
1–39, Vol. II		19.00	[2] July 1, 1984
1–39, Vol. III		18.00	[2] July 1, 1984
1–190	(869–034–00114–9)	47.00	July 1, 1998
191–399	(869–034–00115–7)	51.00	July 1, 1998
400–629	(869–034–00116–5)	33.00	July 1, 1998
630–699	(869–034–00117–3)	22.00	[4] July 1, 1998
700–799	(869–034–00118–1)	26.00	July 1, 1998
800–End	(869–034–00119–0)	27.00	July 1, 1998
33 Parts:			
1–124	(869–034–00120–3)	29.00	July 1, 1998
125–199	(869–034–00121–1)	38.00	July 1, 1998
200–End	(869–034–00122–0)	30.00	July 1, 1998
34 Parts:			
1–299	(869–034–00123–8)	27.00	July 1, 1998
300–399	(869–034–00124–6)	25.00	July 1, 1998
400–End	(869–034–00125–4)	44.00	July 1, 1998
35	(869–034–00126–2)	14.00	July 1, 1998
36 Parts			
1–199	(869–034–00127–1)	20.00	July 1, 1998
200–299	(869–034–00128–9)	21.00	July 1, 1998
300–End	(869–034–00129–7)	35.00	July 1, 1998
37	(869–034–00130–1)	27.00	July 1, 1998
38 Parts:			
0–17	(869–034–00131–9)	34.00	July 1, 1998
18–End	(869–034–00132–7)	39.00	July 1, 1998
39	(869–034–00133–5)	23.00	July 1, 1998
40 Parts:			
1–49	(869–034–00134–3)	31.00	July 1, 1998
50–51	(869–034–00135–1)	24.00	July 1, 1998
52 (52.01–52.1018)	(869–034–00136–0)	28.00	July 1, 1998
52 (52.1019–End)	(869–034–00137–8)	33.00	July 1, 1998
53–59	(869–034–00138–6)	17.00	July 1, 1998
60	(869–034–00139–4)	53.00	July 1, 1998
61–62	(869–034–00140–8)	18.00	July 1, 1998
63	(869–034–00141–6)	57.00	July 1, 1998
64–71	(869–034–00142–4)	11.00	July 1, 1998
72–80	(869–034–00143–2)	36.00	July 1, 1998
81–85	(869–034–00144–1)	31.00	July 1, 1998
86	(869–034–00144–9)	53.00	July 1, 1998
87-135	(869–034–00146–7)	47.00	July 1, 1998
136–149	(869–034–00147–5)	37.00	July 1, 1998
150–189	(869–034–00148–3)	34.00	July 1, 1998
190–259	(869–034–00149–1)	23.00	July 1, 1998
260–265	(869–034–00150–9)	29.00	July 1, 1998
266–299	(869–034–00151–3)	33.00	July 1, 1998
300–399	(869–034–00152–1)	26.00	July 1, 1998
400–424	(869–034–00153–0)	33.00	July 1, 1998
425–699	(869–034–00154–8)	42.00	July 1, 1998
700–789	(869–034–00155–6)	41.00	July 1, 1998
790–End	(869–034–00156–4)	22.00	July 1, 1998
41 Chapters:			
1, 1–1 to 1–10		13.00	[3] July 1, 1984
1, 1–11 to Appendix, 2 (2 Reserved)		13.00	[3] July 1, 1984
3–6		14.00	[3] July 1, 1984
7		6.00	[3] July 1, 1984
8		4.50	[3] July 1, 1984
9		13.00	[3] July 1, 1984
10–17		9.50	[3] July 1, 1984
18, Vol. I, Parts 1–5		13.00	[3] July 1, 1984
18, Vol. II, Parts 6–19		13.00	[3] July 1, 1984
18, Vol. III, Parts 20–52		13.00	[3] July 1, 1984
19–100		13.00	[3] July 1, 1984
1–100	(869–034–00157–2)	13.00	July 1, 1998
101	(869–034–00158–1)	37.00	July 1, 1998
102–200	(869–034–00158–9)	15.00	July 1, 1998
201–End	(869–034–00160–2)	13.00	July 1, 1998
42 Parts:			
1–399	(869–034–00161–1)	34.00	Oct. 1, 1998
400–429	(869–034–00162–9)	41.00	Oct. 1, 1998
430–End	(869–034–00163–7)	51.00	Oct. 1, 1998
43 Parts:			
1–999	(869–034–00164–5)	30.00	Oct. 1, 1998
1000–end	(869–034–00165–3)	48.00	Oct. 1, 1998
44	(869–034–00166–1)	48.00	Oct. 1, 1998
45 Parts:			
1–199	(869–034–00167–0)	30.00	Oct. 1, 1998
200–499	(869–034–00168–8)	18.00	Oct. 1, 1998
500–1199	(869–034–00169–6)	29.00	Oct. 1, 1998
1200–End	(869–034–00170–0)	39.00	Oct. 1, 1998
46 Parts:			
1–40	(869–034–00171–8)	26.00	Oct. 1, 1998
41–69	(869–034–00172–6)	21.00	Oct. 1, 1998
70–89	(869–034–00173–4)	8.00	Oct. 1, 1998
90–139	(869–034–00174–2)	26.00	Oct. 1, 1998
140–155	(869–034–00175–1)	14.00	Oct. 1, 1998
156–165	(869–034–00176–9)	19.00	Oct. 1, 1998
166–199	(869–034–00177–7)	25.00	Oct. 1, 1998
200–499	(869–034–00178–5)	22.00	Oct. 1, 1998
500–End	(869–034–00179–3)	16.00	Oct. 1, 1998
47 Parts:			
0–19	(869–034–00180–7)	36.00	Oct. 1, 1998
20–39	(869–034–00181–5)	27.00	Oct. 1, 1998
40–69	(869–034–00182–3)	24.00	Oct. 1, 1998
70–79	(869–034–00183–1)	37.00	Oct. 1, 1998
80–End	(869–034–00184–0)	40.00	Oct. 1, 1998
48 Chapters:			
1 (Parts 1–51)	(869–034–00185–8)	51.00	Oct. 1, 1998
1 (Parts 52–99)	(869–034–00186–6)	29.00	Oct. 1, 1998
2 (Parts 201–299)	(869–034–00187–4)	34.00	Oct. 1, 1998
3–6	(869–034–00188–2)	29.00	Oct. 1, 1998
7–14	(869–034–00189–1)	32.00	Oct. 1, 1998
15–28	(869–034–00190–4)	33.00	Oct. 1, 1998
29–End	(869–034–00191–2)	24.00	Oct. 1, 1998
49 Parts:			
1–99	(869–034–00192–1)	31.00	Oct. 1, 1998
100–185	(869–032–00192–8)	50.00	Oct. 1, 1997
186–199	(869–034–00194–7)	11.00	Oct. 1, 1998
200–399	(869–034–00195–5)	46.00	Oct. 1, 1998
400–999	(869–032–00195–2)	49.00	Oct. 1, 1997
1000–1199	(869–034–00197–1)	17.00	Oct. 1, 1998
1200–End	(869–034–00198–0)	13.00	Oct. 1, 1998
50 Parts:			
*1–199	(869–034–00199–8)	42.00	Oct. 1, 1998
200–599	(869–034–00200–5)	22.00	Oct. 1, 1998
600–End	(869–034–00201–3)	33.00	Oct. 1, 1998

Title	Stock Number	Price	Revision Date
CFR Index and Findings Aids	(869–034–00049–6)	46.00	Jan. 1, 1998
Complete 1998 CFR set		951.00	1998
Microfiche CFR Edition:			
Subscription (mailed as issued)		247.00	1998
Individual copies		1.00	1998
Complete set (one-time mailing)		247.00	1997
Complete set (one-time mailing)		264.00	1996

[1] Because Title 3 is an annual compilation, this volume and all previous volumes should be retained as a permanent reference source.

[2] The July 1, 1985 edition of 32 CFR Parts 1–189 contains a note only for Parts 1–39 inclusive. For the full text of the Defense Acquisition Regulations in Parts 1–39, consult the three CFR volumes issued as of July 1, 1984, containing those parts.

[3] The July 1, 1985 edition of 41 CFR Chapters 1–100 contains a note only for Chapters 1 to 49 inclusive. For the full text of procurement regulations in Chapters 1 to 49, consult the eleven CFR volumes issued as of July 1, 1984 containing those chapters.

[4] No amendments to this volume were promulgated during the period July 1, 1997 to June 30, 1998. The volume issued July 1, 1997, should be retained.

[5] No amendments to this volume were promulgated during the period January 1, 1997 through December 31, 1997. The CFR volume issued as of January 1, 1997 should be retained.

[6] No amendments to this volume were promulgated during the period April 1, 1997, through April 1, 1998. The CFR volume issued as of April 1, 1997, should be retained.